

## COMMISSION ON POLICE PRACTICES AGENDA

**September 12, 2023**

**4:30pm-7:30pm**

### REGULAR MEETING (Hybrid)

**Valencia Park/Malcolm X Branch Library**

**5148 Market Street**

**San Diego, CA 92114**

**Commissioners:** Octavio Aguilar, Bonnie Benitez, Alec Beyer, Cheryl Canson, Doug Case, Cheryl Geyerman, Dwayne Harvey, Brandon Hilpert, Darlanne Hctor Mulmat, Clovis Honore, James Justus, Dennis Larkin, Lupe Diaz, Mark Maddox, Nicole Murray-Ramirez, Yvania Rubio, Jaylene Sanchez, Gloria Tran, and Dalia Sherlyn Villa De La Cruz

**Commissioner Appointees:** Laila Aziz, Dennis W. Brown, and Christina Griffin-Jones

**Interim Executive Director:** Sharmaine Moseley

The Commission on Police Practices (Commission) meetings will be conducted pursuant to the provisions of California Government Code Section 54953 (a), as amended by Assembly Bill 2249.

The Commission business meetings will be in person and the meeting will be open for in-person testimony. Additionally, we are continuing to provide alternatives to in-person attendance for participating in our meetings.

In lieu of in-person attendance, members of the public may also participate via telephone/Zoom. Please see instructions below to provide public comment.

**The link to join the meeting by computer, tablet, or smartphone at 4:30pm is:**

**<https://sandiego.zoomgov.com/j/1603278043>**

**Meeting ID: 160 327 8043**

**In-Person Public Comment on an Agenda Item:** If you wish to address the Commission on an item on today's agenda, please complete and submit a speaker slip before the Commission hears the agenda item. You will be called at the time the item is heard. Each speaker must file a speaker slip with the Executive Director at the meeting at which the speaker wishes to speak indicating which item they wish to speak on. Speaker slips may not be turned in prior to the day of the meeting or after completion of in-person testimony. In-person public comment

will conclude before virtual testimony begins. Each speaker who wishes to address the Commission must state who they are representing if they represent an organization or another person.

For discussion and information items each speaker may speak up to three (3) minutes, subject to the Chair's determination of the time available for meeting management purposes, in addition to any time ceded by other members of the public who are present at the meeting and have submitted a speaker slip ceding their time. These speaker slips should be submitted together at one time to the Executive Director. The Chair may also limit organized group presentations of five or more people to 15 minutes or less.

**In-Person Public Comment on Matters Not on the Agenda:** You may address the Commission on any matter not listed on today's agenda. Please complete and submit a speaker slip. However, California's open meeting laws do not permit the Commission to discuss or take any action on the matter at today's meeting. At its discretion, the Commission may add the item to a future meeting agenda or refer the matter to staff or committee. Public comments are limited to three minutes per speaker. At the discretion of the Chair, if a large number of people wish to speak on the same item, comments may be limited to a set period of time per item to appropriately manage the meeting and ensure the Commission has time to consider all the agenda items. A member of the public may only provide one comment per agenda item. In-person public comment on items not on the agenda will conclude before virtual testimony begins.

**Virtual Platform Public Comment to a Particular Item or Matters Not on the Agenda:** When the Chair introduces the item you would like to comment on (or indicates it is time for Non-Agenda Public Comment), raise your hand by either tapping the "Raise Your Hand" button on your computer, tablet, or Smartphone, or by dialing \*9 on your phone. You will be taken in the order in which you raised your hand. You may only speak once on a particular item. When the Chair indicates it is your turn to speak, click the unmute prompt that will appear on your computer, tablet or Smartphone, or dial \*6 on your phone. The virtual queue will close when the last virtual speaker finishes speaking or 5 minutes after in-person testimony ends, whichever happens first.

**Written Comment through Webform:** Comment on agenda items and non-agenda public comment may also be submitted using the [webform](#). If using the webform, indicate the agenda item number you wish to submit a comment for. All webform comments are limited to 200 words. On the [webform](#), members of the public should select Commission on Police Practices (even if the public comment is for a Commission on Police Practices Committee meeting).

The public may attend a meeting when scheduled by following the attendee meeting link provided above. To view a meeting archive video, click [here](#). Video footage of each Commission meeting is posted online [here](#) within 24-48 hours of the conclusion of the meeting.

Comments received no later than 11am the day of the meeting will be distributed to the Commission on Police Practices and posted online with the meeting materials. Comments received after the deadlines described above but before the item is called will be submitted into the written record for the relevant item. Please contact the Privacy Advisory Board website for further instructions.

**Written Materials:** Instead of submitting written materials as an attachment to the webform, you may submit via U.S. Mail to Attn: Office of the Commission on Police Practices, 1200 Third Avenue, San Diego, CA 92101. Materials submitted via U.S. Mail must be received the business day prior to the meeting to be distributed to the Commission on Police Practices.

If you attach any documents to your comment, they will be distributed to the Commission or Committee in accordance with the deadlines described above.

- I. CALL TO ORDER/WELCOME (Interim Exec. Director Sharmaine Moseley)
- II. ROLL CALL (Executive Assistant Alina Conde)
- III. PUBLIC COMMENT: Fill out and submit comment using speaker form or [webform](#). Please see instructions at the beginning of this agenda.
- IV. APPROVAL OF REGULAR MEETING MINUTES FROM AUGUST 29, 2023
- V. NEW BUSINESS (DISCUSSION/ACTION)
  - A. Operational Items (30 minutes)
    1. Consideration of Process for Election of Officers and/or Election of Officers
    2. Consideration and Appointment of Commissioners to Ad Hoc Governance Committees (Pursuant to SDMC § 26.1107(a)(1))
    3. Consideration of Temporary Bylaws for Approval
  - B. Reimaging Commission Case Review & Backlog of Active Cases Beyond Statutory Limitation (20 minutes)
    1. Options to Address the Backlog of Cases Presented to City Council in June 2023
      - a. Retention of Contract Investigator to Audit Cases Over 1 year
      - b. Wait Until Chief Investigator is Hired to Audit Cases
      - c. Amend Outside Counsel Contract for Staff Retention Purposes
      - d. Dispose of the Cases without Review or Oversight
  - C. Future Dates for Commission Regular Business Meetings
  - D. Consideration of Recommended Schedule of Upcoming Commission Trainings (Content, Dates, Etc.)

- VI. OFFICE OF THE COMMISSION ON POLICE PRACTICES REPORTS
- A. Executive Director Report (IED Sharmaine Moseley)
    - 1. OCPP Staffing Update
    - 2. New Office Suite/Space Update (525 B Street, 17<sup>th</sup> Floor)
    - 3. Commission Vacancies & Commissioner Appointee Oath of Office Status Update
  - B. Community Engagement Coordinator Report (Yasmeen Obeid)
    - 1. Updates & Future Town Halls/Discussions
- VII. EDUCATIONAL TOPICS
- A. Overview of the Ralph M. Brown Act (**30 minutes**)  
(CPP Outside Counsel Duane Bennett, Esq.)
  - B. Confidentiality Agreement for Commissioners
  - C. City of San Diego Administrative Rules
    - 1. AR 90.63 City Info Security Policy
    - 2. AR 90.62 Information & Communication
    - 3. AR 95.60 Conflict of Interest & Employee Conduct
    - 4. AR 96.50 EEO Policy & Complaint Resolution Procedures
- VIII. NON- AGENDA PUBLIC COMMENT: Fill out and submit comment using speaker form or [webform](#). Please see instructions at the beginning of this agenda.
- IX. ADJOURNMENT

**Materials Provided:**

- Minutes from Regular Meeting on August 29, 2023 DRAFT
- CPP Temporary Bylaws as of August 29, 2023 DRAFT
- Updated Commission Component Training Schedule DRAFT
- Confidentiality Agreement
- City of San Diego Administrative Rules (4)
- SDJ Correspondence

**Access for People with Disabilities:** As required by the Americans with Disabilities Act (ADA), requests for agenda information to be made available in alternative formats, and any requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for alternatives to observing meetings and offering public comment as noted above, may be made by contacting the Commission at (619) 236-6296 or [commissionpolicepractices@sandiego.gov](mailto:commissionpolicepractices@sandiego.gov).

Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services, or interpreters, require different lead times, ranging from five business days to two weeks. Please keep this in mind and provide as much advance notice as possible in

order to ensure availability. The city is committed to resolving accessibility requests swiftly in order to maximize accessibility.

**COMMISSION ON POLICE PRACTICES**

**REGULAR MEETING MINUTES**

**Tuesday, August 29, 2023**

**5:30pm**

**Procopio Tower**

**525 B St., 1<sup>st</sup> Floor Conference Room**

**San Diego, CA 92101**

Click [https://www.youtube.com/watch?v=QnI982TK\\_wU](https://www.youtube.com/watch?v=QnI982TK_wU) to view this meeting on YouTube.

**Commissioners Present:**

Octavio Aguilar

Bonnie Benitez

Alec Beyer

Cheryl Canson

Doug Case

Cheryl Geyerman

Dwayne Harvey

Brandon Hilpert

Darlanne Hoctor Mulmat

Clovis Honore

James Justus

Dennis Larkin

Lupe Lozano-Diaz

Mark Maddox

Nicole Murray-Ramirez

Jaylene Sanchez

Gloria Tran

Dalia Sherlyn Villa De La Cruz

**Absent/Excused:**

Laila Aziz (Appointee)

Dennis W. Brown (Appointee)

Christina Griffin-Jones (Appointee)

Ramon Montano Marquez (Appointee)

Yvania Rubio (Appointee)

**Staff Present:**

Sharmaine Moseley, Interim Executive Director

Duane Bennett, CPP Outside Counsel (attended virtually)

Yasmeen Obeid, Community Engagement Coordinator

Alina Conde, Executive Assistant

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- I. CALL TO ORDER/WELCOME: Commissioners were sworn in by the City Clerk prior to the meeting being called to order at 5:42pm. Interim Executive Director Sharmaine Moseley called the meeting to order.
  - II. ROLL CALL: Executive Assistant Alina Conde conducted the roll call.
  - III. WELCOME REMARKS: City of San Diego Council President Pro Tem Monica Montgomery Steppe provided welcoming remarks to the newly appointed Commissioners. (Time 9:37)

IV. NON- AGENDA PUBLIC COMMENT:

In Person Public Comment

Andrea St. Julian (**Time 16:35**): Attorney within San Diego and principal author of Measure B commented on the responsibilities of the Commission.

Tasha Williamson (**Time 20:18**): Founder/President of Exhaling Injustice commented on a recent incident involving a San Diego Police Department officer.

Colleen Cusack (**Time 23:55**): Criminal Defense Attorney within San Diego commented on accountability for the San Diego Police Department Officers. As well as accountability for officers that are a part of SDPD but do not reside in San Diego.

Virtual Public Comment

Kate Yavenditti (**Time 29:46**): Commented on the Commission having meetings in a place that is easily accessible for all participants and the Commission's training program.

Yusuf Miller (**Time 35:06**): Commented on transparency and accountability and made reference to the same recent incident mentioned by Ms. Williamson involving an officer of the San Diego Police Department.

Laila Aziz and Christina Griffin-Jones (**Time 37:30**): Apologized for lack of attendance at the meeting and expressed excitement to serve on the Commission.

Francis Yasmeen Motiwala (**Time 39:20**): Extending resources to the Commission on behalf of Activists San Diego and Radio Station KNSJ.

V. INTRODUCTION OF OCPP STAFF & COMMISSIONERS

- A. Name, Neighborhood/District, Occupation, Organizational Affiliations & Interest in CPP - The newly appointed Commissioners, staff & interns each provided a brief introduction.

VI. EDUCATIONAL TOPICS

- A. Highlights of the Ralph M. Brown Act – (**Time 1:10:35**) Outside Counsel, Duane Bennett highlighted select violations against the Ralph M. Brown Act and the Open Meetings Law as it pertained to the Commission. He noted the importance of not having serial meetings. The Commission will be able to have as many closed session meetings as needed. Teleconferencing is also strictly limited due to the Ralph M. Brown Act and can only happen if there is an emergency circumstance.
- Lori Saldana (**Time 1:17:20**): Ms. Saldana thanked the Commissioners and expressed appreciation for the upcoming work of the Commission.
- B. Brief History of CPP & Creation of OCPP – (**Time 1:23:44**) Commissioner Doug Case provided a brief history of the Commission and creation of the new department that included:
- The purpose of the Commission
  - Commission Evolution
  - Three forms of Civilian Oversight History
  - San Diego Background
  - Highlights of Measure B
  - Composition of the Commission
  - Accomplishments of the Interim Commission
  - Tasks for the Permanent Commission
- C. Overview of Interim CPP Case Review Process – (**Time 1:42:18**) Commissioner Doug Case provided an overview of the case review process used by the interim

CPP that included the complaint process, allegations, team review, and teams' ability to raise issues and concerns.

In Person Public Comment

Tasha Williamson (**Time 1:55:10**): Encouraged the Commission to watch "Sounds of the Police" and to learn more about the history of policing, SB16, and more to know what the Commission is up against.

Virtual Public Comment

Kate Yavenditti (**Time 1:59:38**): Commented on her recommendation to have community involvement in the decision-making process for hiring the Permanent Executive Director and the Deputy Executive Director.

Lori Saldana (**Time 2:02:15**): Reminded the Commission to have public comment for each item on the agenda rather than go over two or more items and then have public comment.

Andrea St. Julian (**Time 2:09:17**): Encouraged the newly appointed Commissioners to seek office.

VII. NEW BUSINESS (DISCUSSION/ACTION)

A. Operational items

1. Consideration of Selection & Election of Temporary Officers
2. Consideration of Selection of Nominating Committee for Election of Officers
3. Consideration of Appointment of Commissioners to Bylaws Committee
4. Consideration of Temporary Bylaws for Approval

B. Reimaging Commission Case Review & Backlog

1. Investigative Consultant Proposal

C. Future Dates for Commission Regular Business Meetings

D. Scheduling of Upcoming Commission Training (Content, Dates, etc.)

**Motion: Commissioner Mark Maddox moved for the Commission to table the New Business Items and carry them over to the next meeting on September 9<sup>th</sup>.**

**Commissioner Gloria Tran seconded the motion. The motion passed with a vote of 18-0-0.**

**Yays: Commissioner Aguilar, Commissioner Benitez, Commissioner Beyer, Commissioner Canson, Commissioner Case, Commissioner Geyerman, Commissioner Harvey, Commissioner Hilpert, Commissioner Hocter Mulmat, Commissioner Honore, Commissioner Justus, Commissioner Larkin, Commissioner Lozano-Diaz, Commissioner Maddox, Commissioner Murray-Ramirez, Commissioner Sanchez, Commissioner Tran, Commissioner Villa De La Cruz**

**Nays: None**

**Abstained: None**

**Absent/Excused: None**

VIII. PREPARATION FOR FUTURE MEETINGS: N/A

IX. ADJOURNMENT: The meeting was adjourned at 8:01pm.

**Bylaws  
City of San Diego  
Commission on Police Practices**

***Preamble***

*On November 3, 2020, the voters of San Diego approved Measure B creating a new independent Commission on Police Practices (CPP) replacing the Community Review Board on Police Practices (CRB). Per the City Charter amendment, the members of the CRB at the time of its dissolution became the initial CPP members. On October 3, 2022, the City Council, adopted an implementation ordinance specifying the number of Commissioners, term length, qualifications and selection process. This Bylaws is the operating procedure for the Commission governance.*

**Article I: Name and Authority**

**Section 1: Name**

The name of this Commission is the Commission on Police Practices, herein referred to as “the Commission”. The Commission was established by Measure B, approved by the voters in November 2020. The Commission on Police Practices is also known by the acronym “CPP”.

**Section 2: Authority**

The Commission operates in accordance with the following documents, listed in hierarchical order:

United States Constitution

California Constitution

California Statutes and Codes, including but not limited to the Government Code (Ralph M. Brown Act, Section 54950 et seq.; and Public Safety Officers Procedural Bill of Rights, Sections 3300-3311, Chapter 9.7, Division 4, Title 1), Penal Code (PC), Health and Safety Code, and Vehicle Code (VC)

San Diego City Charter, including but not limited to Article V, Section 41.2 - Commission on Police Practices

San Diego Municipal Code, including but not limited to Chapter 2, Article 2, Division 55 – Office of the Commission on Police Practices, and Chapter 2, Article 6, Division 11 – Commission on Police Practices

CPP Standard Operating Procedures (“rules and regulations” referenced in the charter)

San Diego City Council Policies

City of San Diego Administrative Regulations

Memorandum of Understanding (MOU) between City of San Diego and San Diego

Police Officers Association

CPP Bylaws

CPP Special Rules of Order

CPP Operational Standing Rules

CPP Administrative Standing Rules

Robert's Rules of Order, Newly Revised

National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics (Attached hereto as Exhibit A)

Parliamentary procedures of this Commission will be in accordance with these Bylaws and any Special Rules of Order adopted by the Commission. The default parliamentary authority for procedures that are not covered in these Bylaws or the CPP Special Rules of Order shall be the current edition of Robert's Rules of Order, Newly Revised.

## **Article II: Purpose, Mission, Duties, Powers and Objectives**

### **Section 1: Purpose and Mission**

The purpose of the Commission on Police Practices is to provide an independent investigation of officer-involved shootings and in-custody deaths, and an unbiased evaluation of all complaints against the San Diego Police Department and its personnel, in a process that will be transparent and accountable to the community. The Commission will also evaluate and review SDPD policies, practices, training and protocols and represent the community in making recommendations for changes. The mission of the Commission is to hold law enforcement accountable to the community and to increase community trust in law enforcement, resulting in increased safety for both the community and law enforcement.

### **Section 2: Duties**

Per the City Charter, the Commission shall have the following mandatory duties:

1. Independently investigate all deaths occurring while a person is in custody of the SDPD, all deaths resulting from the interaction with an officer of the SDPD, and all SDPD officer-related shootings.
2. Receive, register, review and evaluate all complaints against SDPD officers, except that the Commission will not review and evaluate complaints where the complainant has requested that the matter be handled without investigation.
3. Review and evaluate all factual findings and evidentiary conclusions of the SDPD arising from investigations of police misconduct and all disciplinary decisions resulting from sustained findings.
4. Review and evaluate SDPD's compliance with federal, state and local reporting laws and requirements.
5. Prepare and submit semi-annual reports to the Mayor and City Council regarding the exercise of the Commission's duties and powers.

### **Section 3: Discretionary Powers**

Per the City Charter, the Commission shall have the discretion to:

1. Conduct investigatory proceedings and subpoena witnesses
2. Investigate complaints against SDPD officers (in addition to the required investigations stated above), unless the complainant has requested that the matter be handled without an investigation, provided that the Commission determines that the complaint arises from any one of the following:
  - a. an incident involving the use of force by a SDPD officer that resulted in great bodily injury
  - b. dishonesty by a SDPD officer including an allegation of perjury, filing false reports, and destruction, falsifying or concealing evidence
  - c. an incident that has generated substantial public interest or concern
  - d. an incident where the data shows a pattern of misconduct by a SDPD officer
  - e. an incident where the data shows a pattern of inappropriate policies, procedures or practices of the SDPD or its members
3. Review, evaluate and investigate allegations of inappropriate sexual conduct, physical assault or domestic violence by SPDP officers
4. Make recommendations to the SDPD on the discipline of individual officers about whom complaints have been made or about whom the Commission has conducted an investigation
5. Review and evaluate the policies, procedures, practices and actions of the SDPD
6. Make specific recommendations to the SDPD, the Mayor and the City Council on any policies, procedures, practices and actions of the SDPD

### **Section 4. Outreach and Education**

It is the objective of the Commission to operate transparently, to keep the community informed about the activities of the Commission, and to provide opportunities to receive public input on the Commission's operations. It is the further objective of the Commission to encourage persons with complaints about the actions of SDPD sworn personnel to file a complaint, to widely publicize the procedures for filing complaints and to make the process as simple as possible, and to enact mechanisms to ensure that persons filing complaints and witnesses will be able to do so without fear of retaliation or adverse consequences.

### **Section 5. Independence**

The Commission on Police Practices maintains and defends an independent posture within which objective, balanced review, investigations, and evaluation processes will be assured. The ultimate usefulness of the Commission depends on independence from political pressure, independence from community pressure, and independence from influence or control by SDPD. In this regard, actual independence and perceived independence are equally important. Any action or activity that could present an appearance of compromised independence should be avoided. Commission independence is essential to earn the trust of the community and fulfill the mandate from the initial creation of the Commission by citizen initiative.

## **Article III: Membership**

### **Section 1: Selection and Appointment**

The initial members of the Commission shall be the CRB members at the time of the CRB dissolution and who will serve at will until replaced by action of the City Council.

In accordance with the Implementation Ordinance adopted by San Diego City Council on October 3, 2022, the following specifications will apply to the Commission:

A. There will be 25 Commissioners who must reside within the City of San Diego with the following categories:

- (1) Nine Commissioners, one from each Council District
- (2) Two Commissioners aged 18 to 24 at the time of appointment
- (3) Five Commissioners residing in low to moderate income neighborhoods
- (4) Nine Commissioners at large without additional age or residence restriction

B. Appointment to CPP will be to a specific seat within a category for a 2-year term, with re-appointment for up to 3 additional 2-year terms. Only half of the Commissioners will be eligible for reappointment in any one year. Half of the initial 25 Commissioners will be appointed for 1-year terms to establish the reappointment schedule.

C. The process for appointment to CPP will be determined by San Diego City Council. The primary concern for appointment of Commissioners will be to maintain full membership of the Commission. Recruiting to fill vacancies will focus on candidates for the specific seats that are vacant.

Members of the Commission shall serve without compensation, but shall be reimbursed for authorized, reasonable and necessary expenses incurred in the performance of their official duties. Prior to assuming the duties of office, members must complete the required training program approved by the Commission and must subscribe to the Oath of Office administered by the City Clerk's Office and sign the oath card. All Members who are reappointed to the Commission must retake the Oath of Office and sign a new oath card.

### **Section 2: Responsibilities**

Members have the following responsibilities:

#### **A. Meeting Attendance**

The substantive work of the Commission cannot be accomplished in the absence of a quorum. In order to accomplish the work of the Commission, members should be in attendance and vote on issues at all meetings. Any member with an unexcused absence from two (2) consecutive meetings or an unexcused absence from one third of all regular scheduled meetings during any Fiscal Year (July 1 through June 30 of the following year) may be removed from the Commission per Article III, Section 3.B. of these bylaws. Members may request to be excused from a meeting by contacting the Chair or Executive Director no later than 12 noon on the day of the meeting. An excused absence can be

granted by the Chair for the following reasons:

1. An unforeseen event
2. Illness or health
3. Out of town
4. Religious observance

### **B. Case Review**

Members, with the exception of the Chair and First Vice Chair, shall be assigned to three-person Case Review Teams. The Case Review Teams shall review the Internal Affairs investigation in accordance with the current Operational Standing Rule for Case Review. A Team Leader will be appointed for each Case Review Team.

Every member shall complete the review of at least 80% of the cases assigned to that member's Case Review Team. Any member with an unexcused absence from review of more than 20% of the cases assigned to that member's Case Review Team during any Fiscal Year (July 1 through June 30 of the following year) may be removed from the Commission per Article III, Section 3.B. of these bylaws. Members should notify the Chair or Executive Director and the Team Leader of their assigned Case Review Team of an excused absence from review of a case for one of the following reasons:

1. An unforeseen event
2. Illness or health
3. Out of town
4. Conflict of Interest

### **C. Committee Participation**

Members are required to participate on one of the standing committees of the Commission.

### **D. Training**

Members are required to pursue and complete 48 hours of educational opportunities annually, including at least two police ride-alongs.

### **E. Community Outreach**

All members shall participate in at least one community outreach activity per quarter.

All members can speak in public about the role of the Commission to provide education for the community. Only the Commission Chair is the spokesperson for the Commission on issues that require public comment.

### **F. Ethical Conduct**

To promote public trust, integrity, and transparency, members are expected to adhere to the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics. The NACOLE Code of Ethics includes Personal Integrity, Independent and Thorough Oversight, Transparency and

Confidentiality, Respectful and Unbiased Treatment, Outreach and Relationship with Stakeholders, Agency Self-examination and Commitment to Policy Review, and Primary Obligation to the Community. The complete NACOLE Code of Ethics is attached as Exhibit A of these bylaws.

Any actual or perceived conflict of interest during case review shall be avoided. Conflict of interest exists when a member has an outside financial interest or a personal relationship with someone involved in the case, or has intimate knowledge of the facts of the case. Members shall avoid any situation where they have a conflict of interest by immediately notifying the Chair or Executive Director and their Team Leader requesting either to be excused from review of the case or to have the case reassigned to a different Case Review Team. Active involvement in other boards, committees or organizations could pose an actual or perceived conflict of interest with membership on the Commission. Commission Members shall disclose all potential conflicts to the Chair or Executive Director immediately.

### **Section 3: Removal**

#### **A. Voluntary Resignation**

Any Member of the Commission can voluntarily resign by sending a letter or email of resignation to the Commission Chair and the Executive Director. A member's written notice of resignation is required by the City Clerk and becomes a matter of public record. Once the letter has been received, the position shall be considered vacant.

#### **B. Removal for Cause**

A member may also be removed for cause including but not limited to the following reasons: (1) misuse of position as a Commission Member, (2) misuse of police-issued documents; (3) violation of state laws of confidentiality; (4) misconduct or conviction of a crime that impedes the member's ability to serve as an effective and impartial Commission member; (5) unexcused absences from at least two consecutive meetings or by failure to complete case review as assigned by the Executive Director; (6) violation of the NACOLE Code of Ethics; or (7) a conflict of interest.

Upon receiving information that a member may be subject to removal for cause, the Cabinet shall investigate or arrange for an investigation of the situation. If after the investigation, it appears that cause exists for removal, the member shall be invited to meet with the Executive Director and the Cabinet. After that meeting, the Cabinet, shall determine whether to proceed with removal proceedings. If it is determined to proceed, the matter will be placed on the next regular Commission Open Meeting agenda. The member will have an opportunity to present a defense and answer questions. By a two-thirds vote, the Commission may recommend to the City Council that the member be removed. The affected member shall not be entitled to a cast a vote in the matter. A hearing by the City Council shall occur within sixty (60) days of the receipt of the recommendation.

## **Article IV: Officers**

### **Section 1: Officers of the Commission**

The officers of this organization shall be Chair, First Vice Chair, and Second Vice Chair. These elected officers shall be referred to collectively as the Cabinet.

No individual shall hold more than one office at any time. An individual may serve no more than two consecutive terms in the same office, and becomes eligible again to serve in that office after a period of two years.

### **Section 2: Election and Succession**

#### **A. Election**

Officers are elected at the last Open Meeting of the fiscal year to serve a one-year term in conjunction with the next fiscal year. The Nominating Committee (see Article VI, Section 3.A) will present at least one nomination for each office. Prior to the vote for each office, additional nominations will be taken from the floor. Officers will be elected individually in order of precedence, starting with the Chair.

Officers must receive a majority vote of the Commission. If no candidate receives a majority, then a runoff will be held between the candidates with the two highest numbers of votes.

If the last scheduled Open Meeting of a fiscal year is not held, officers shall continue to serve until their successors are elected and assume office.

#### **B. Vacancies**

If the office of Chair becomes vacant, the First Vice Chair becomes Chair for the unexpired term. If the office of First Vice Chair becomes vacant, the Second Vice Chair becomes First Vice Chair for the unexpired term. If the office of Second Vice Chair becomes vacant, an election, with nominations taken from the floor, will be held at the next Open Meeting of the Commission to fill the office for the remainder of the unexpired term.

If the offices of Chair, First Vice Chair and Second Vice Chair all become vacant at the same time, the Executive Committee shall appoint a Commission Member to serve as Acting Chair for a period of two months, during which time elections will be held to fill the vacancies for the unexpired term. Such elections will take nominations from the floor and elect officers individually in order of precedence by roll call vote. Notice of such elections shall be given one month ahead of the election date.

### **Section 3: Powers and Duties**

The officers of this organization shall fulfill the duties of office while always acting for the good of the entire Commission.

#### **A. Chair**

The Chair shall have the following powers and duties:

1. To serve as Chair for all meetings, Closed and Open, of the Commission.

2. To serve as Chair for all meetings of the Executive Committee.
3. To serve as a member of the Cabinet.
4. To act as the spokesperson for the Commission, to make official statements for the Commission, or to delegate this responsibility to another Commission Member.
5. To coordinate with the Executive Director on communication between the Commission and the Mayor, the San Diego City Council and the Chief of Police.
6. To appoint Chairs and members for all Committees of the Commission.
7. To be ex officio member and ensure effective functioning of all committees of the Commission.
8. To facilitate communication between Case Review Team Leaders.
9. To serve on a temporary Case Review Team when case load requires formation of a temporary Team by the Executive Director.
10. To perform such other duties as may be conferred by vote of the Commission

**B. First Vice Chair**

The First Vice Chair shall have the following powers and duties:

1. To serve as Chair for all meetings, Closed and Open, of the Commission in the absence of the Chair.
2. To serve as Chair for the Executive Committee Meeting in the absence of the Chair.
3. To serve as a member of the Executive Committee.
4. To serve as a member of the Cabinet.
5. To oversee training of new members with the Recruitment and Training Committee, and to oversee training of the Team Leaders.
6. To serve on a temporary Case Review Team when case load requires formation of a temporary Team by the Executive Director.
7. To perform such other duties as may be conferred by vote of the Commission or requested by the Chair.

**C. Second Vice Chair**

The Second Vice Chair shall have the following powers and duties:

1. To serve as Chair for all meetings, Closed and Open, of the Commission in the absence of the Chair and the First Vice Chair.
2. To serve as Chair for the Executive Committee Meeting in the absence of the Chair and First Vice Chair.
3. To serve as a member of the Executive Committee.
4. To serve as a member of the Cabinet.

5. To serve as a member of a Case Review Team.
6. To act as Parliamentarian for the Commission.
7. To perform such other duties as may be conferred by vote of the Commission or requested by the Chair.

#### **D. Cabinet**

The Cabinet shall

1. In consultation with the Executive Director, make Case Review Team and Leader assignments
2. Investigate allegations of impropriety against any Commission Member and make recommendations resulting from such investigations
3. Provide supervision of and consultation with the Executive Director.

### **Article V: Meetings**

#### **Section 1: General**

Closed and open meetings of the Commission shall be held regularly in order to carry out the objectives and purposes of the organization. Notice of time, place and agenda shall be provided to the Commission and the public at least 72 hours before the scheduled time of every meeting in accordance with the Ralph M. Brown Act.

#### **Section 2: Closed Meetings**

Closed Meetings are normally held twice each month, except only once in December. Closed Meetings are held pursuant to California Government Code Section 54957 to provide a confidential environment in which (1) to review complaints and investigations regarding SDPD Officers in accordance with California Penal Code Section 832.7 or (2) to discuss personnel or other information that is specifically exempt from public disclosure by law. Attendance by anyone other than Commission members and staff is by invitation.

#### **Section 3: Open Meetings**

Open Meetings are normally held once each month, except in December, to transact business and to hear presentations. Open Meetings provide a forum in which to communicate with the public, to advise the community on the business of the Commission, and to hear public testimony on issues under the Commission's purview. Individual cases are not discussed in open meetings.

#### **Section 4: Special Meetings**

Special Meetings can be held as needed and may be either Closed or Open. A Special Meeting may be called by the Chair, the Cabinet, or by a vote of Commission members. Notice of a Special Meeting shall state the topic(s) to be discussed, and no other business may be considered during the Special Meeting.

### **Section 5: Voting and Quorum**

Only Commission members can vote on issues before the Commission and are counted to determine the presence of a quorum. Commission members (except the Chair) are expected to vote on all issues and must state on the record the reason for any abstention. The Chair is not required to vote; however, the Chair may vote whenever his or her vote will affect the result.

No formal action can be taken without a quorum. The requirement for a quorum shall be a majority of filled seats on the Commission, with a minimum number of seven Commissioners needed to conduct business.

## **Article VI. Committees**

### **Section 1: General**

Committees of the Commission shall be formed to carry out the primary objectives of the Commission and to maintain functions necessary to sustain the Commission. Committees shall limit their business to the purpose identified in this document or the purpose identified at their inception. Committees shall conduct their business in a manner consistent with these Bylaws and the Standing Rules of the Commission. Committees shall not take any final action on behalf of the Commission or issue any official communication. The Chair may appoint community members as non-voting members of a committee.

Committees fall into two categories: Standing Committees and Ad Hoc Committees. Standing Committees require a constant presence to carry out long term ongoing functions of the Commission. Ad Hoc Committees either support periodic functions of the Commission that do not require a constant presence for service or are formed to accomplish specific, short term tasks that are not within the assigned function of any Standing Committee or any other Ad Hoc Committee.

Committee Chairs of all committees shall be members of the Commission. Unless otherwise specified herein, Committee Chairs shall be appointed by the Commission Chair to serve a one-year term. Ad Hoc Committee Chairs can serve until their committee is disbanded. Standing Committee Chairs have the following tasks:

1. Conduct Committee meetings at least quarterly or more often as needed.
2. Support the Brown Act requirement for public notice with an agenda in advance.
3. Report on Committee activities at Open Meetings and make recommendations for Commission action.
4. Contribute a summary of Committee activities and accomplishments for the CPP Semi-annual Reports.
5. Serve as a member of the Executive Committee.

**Section 2: Standing Committees**

Notice of Standing Committee meeting time, place and agenda shall be provided to Committee members and the public at least 72 hours before the scheduled meeting time. Except for the Executive Committee, Standing Committees are limited to no more than seven (7) members.

**A. Executive Committee**

The Executive Committee has continuing jurisdiction over the effective and ethical functioning of the Commission. The Chair of this Committee is the Commission Chair. Members of the Executive Committee are the elected officers of the Commission and Standing Committee Chairs. Regular meetings of the Executive Committee may be held monthly at the discretion of the Chair.

**B. Policy Committee**

The Policy Committee shall evaluate recommendations from Commission Members for improvements to SDPD policy, procedure, training or administration of discipline of police officers. The result of the evaluation shall be presented to the Commission. The Policy Committee can recommend Commission action to forward suggested improvements to the Chief of Police and the Mayor. The Policy Committee meets at the discretion of the Policy Committee Chair.

**C. Continuing Education Committee**

The Continuing Education Committee arranges presentations on subjects of interest at the Open Meetings of the Commission. The Continuing Education Committee also arranges additional training opportunities and field trips for the Commission. The Continuing Education Committee meets at the discretion of the Continuing Education Committee Chair.

**D. Community Outreach Committee**

The Community Outreach Committee supports the Commission's outreach and education objectives at community events and informational meetings. The Outreach Committee meets at the discretion of the Outreach Committee Chair.

**E. Rules Committee**

The Rules Committee shall evaluate recommendations from Commission Members for amendments to these Bylaws, to Special Rules of Order, to Standing Rules and to other operational procedures. The Rules Committee is responsible to ensure that a proposed amendment does not violate or conflict with any existing provision in these Bylaws or any other rules that govern the Commission. The result of the evaluation shall be presented to the Commission. The Rules Committee meets at the discretion of the Rules Committee Chair.

**F. Recruitment and Training Committee**

The Recruitment and Training Committee supports activities to recruit new members for the Commission, to inform interested individuals about the Commission, and to provide training to members. The Recruitment and Training Committee meets at the discretion of the Recruitment and Training Chair.

**Section 3: Ad Hoc Committees**

Ad Hoc Committees may be formed as needed by the Commission Chair or by a majority vote of the Commission for an assigned specific task. Unless extended by a vote of the Commission, each Ad Hoc Committee is disbanded at the completion of the assigned task. Ad Hoc Committees are limited to no more than seven members.

**A. Nominating Committee**

The Nominating Committee is a recurring ad hoc committee that shall be formed annually to facilitate election of officers. Three members of the Nominating Committee shall be elected by the Commission with nominations taken from the floor. The Nominating Committee shall recruit Commissioners who are willing and qualified as candidates for each office. The Nominating Committee shall present to the Commission at least one nomination for each office prior to the last scheduled Open Meeting of the fiscal year. The Nominating Committee shall be disbanded following the election of Commission officers.

**Article VII: Administration**

**Section 1: Executive Director**

The Executive Director is appointed by the City Council and serves under the will and direction of the Commission. The Executive Director is responsible for facilitating the work of the Commission, including, but not limited to, the following tasks:

1. Interface with community members, responding to inquiries and receiving complaints.
2. Direction of day-to-day operations of the Commission.
3. Liaison between the Commission and City departments, in particular SDPD and the City Attorney's Office.
4. Maintenance of records and preparation of reports, including semiannual reports to the Mayor and City Council.
5. Hire and supervise Commission staff, independent contractors, and consultants
6. Arrange for the preparation of and dissemination all meeting notices for CPP and committee meetings as required by the Ralph M. Brown Act.
7. Attend all CPP meetings, including committee meetings.
8. Serve as custodian of the Commission's records, in compliance with all applicable laws related to records retention, protection, confidentiality and disclosure.
9. Arrange for the preparation of and dissemination of the minutes of all CPP board and committee meetings.

The Commission shall conduct a formal performance evaluation of the Executive Director on an annual basis in a manner consistent with the evaluation process used by the City's Personnel Department.

**Section 2: Independent Legal Counsel**

The Commission shall retain its own Legal Counsel, who is independent of the City Attorney for legal support and advice in carrying out the Commission’s duties and actions. The Legal Counsel may be a Commission employee or independent contractor hired by the Executive Director, in consultation with the Cabinet.

**Article VIII: Amendment**

**Section 1: CPP Bylaws**

Bylaws describe organizational structure, eligibility requirements of the members, the terms, responsibilities and powers of the officers, types of meetings, specification of a quorum, identity of standing and ad hoc committees, the duties and responsibilities of each committee, and identity of a parliamentary authority. Amendment of these Bylaws requires a two-thirds vote of Commission Members at a regularly scheduled Open Commission meeting. Proposed amendments must be submitted by a Commission member as defined in and reviewed by the Rules Committee. The proposed content and the Rules Committee evaluation must be submitted in writing to all Commission members at least ten days before the meeting where the vote will be taken.

**Section 2: CPP Special Rules of Order**

Special Rules of Order define and clarify parliamentary procedures that are different from the specifications of the identified parliamentary authority. Special Rules of Order may be adopted, amended, or deleted by a two-thirds vote of Commission Members at a regularly scheduled Open Commission meeting. Proposed amendments must be submitted by a Commission member and reviewed by the Rules Committee. The proposed content and the Rules Committee evaluation must be submitted in writing to all Commission members at least ten days before the meeting where the vote will be taken.

**Section 3: CPP Operational Standing Rules**

Operational Standing Rules define and clarify operational procedures for any interface between this organization and any other City Department including SDPD. Operational Standing Rules may be adopted, amended, or deleted by a majority vote of Commission Members at a regularly scheduled Open Commission meeting. Proposed amendments must be submitted by a Commission member and reviewed by the Rules Committee. The proposed content and the Rules Committee evaluation must be submitted in writing to all Commission members at least ten days before the meeting where the vote will be taken. Commission-approved Operational Standing Rules become effective when reviewed and approved by the City Council.

**Section 4: CPP Administrative Standing Rules**

Administrative Standing Rules define and clarify internal procedures for this organization. Administrative Standing Rules may be adopted, amended, or deleted by a majority vote of Commission Members at a regularly scheduled Open Commission meeting. Proposed amendments must be submitted by a Commission member and

reviewed by the Rules Committee. The proposed content and the Rules Committee evaluation must be submitted in writing to all Commission Members at least ten days before the meeting where the vote will be taken.

DRAFT

**Commission on Police Practices  
Training Academy**

**August 29, 2023**

5:30pm - 7:30pm

**Component 1 (Completed)**

Regular Business Meeting/Orientation

- Commissioners Oath of Office
- Introductions
- Brief History of CPP & Creation of OCPP
- Highlights of Ralph M. Brown Act
- Overview of Interim CPP Case Review Process

**Location**

**Procopio Tower**

**Conference Room, First Floor**

**525 B St – San Diego, CA 92101**

**September 12, 2023**

4:30pm – 7:30pm

**Component 2**

Regular Business Meeting & Training

- Governance Operational Items -CPP Officers, Temporary Bylaws
- Reimaging CPP Case Review & Backlog of Cases
- Future Dates CPP Regular Business Meetings
- Recommended CPP Training Schedule
- Overview of the Ralph M. Brown Act
- Confidentiality Agreement for CPP
- Administrative Regulations & Requirements

**Location**

**Valencia Park/Malcolm X Branch Library**

**5148 Market Street – San Diego, CA 92114**

**September 19, 2023**

9:30am-12pm

**Component 3**

San Diego Police Department

- SDPD Headquarters Tour
- Name Badges & Parking Placard for Commissioners
- Meeting with Chief, Assistant Chiefs, & POA President (9:30am-10:30am)
- Overview of Internal Affairs (*IA Captain*)

**Commission on Police Practices  
Training Academy**

**September 23, 2023**

8:30am - 3:00pm

**Location**

**San Diego Police Headquarters, Room 213  
1401 Broadway – San Diego, CA**

**Component 4 (Cohort 1 -11 Commissioners)**

SDPD Use of Force, Detention, Laws of Arrest  
Procedures, Simulators

**Location**

**Police Plaza  
4020 Murphy Canyon Rd – San Diego, CA**

**October 7, 2023 (Tentative)**

10:30am – 3:30pm

**Component 5**

Rebuilding Community-Government  
Relationships (Tasha Williamson)

Racial Profiling & Law Enforcement in San  
Diego (ACLU San Diego)

**Location**

**Logan Heights Branch Library  
567 South 28<sup>th</sup> Street – San Diego, CA**

**October 14, 2023 (Tentative)**

10:30am – 3:30pm

**Component 6**

Diversity, Sensitivity & Implicit Bias Training

**Location**

**TBD**

**October 21, 2023**

8:30am – 3:00pm

**Component 7 (Cohort 2-11 Commissioners)**

SDPD Use of Force, Detention, Laws of Arrest  
Procedures, Simulators

**Location**

**Police Plaza  
4020 Murphy Canyon Rd – San Diego, CA**

## Commission on Police Practices Training Academy

October 2023

### Component 8

Legal Perspective of SDPD Officers Use of Force (including deadly force), Arrest and Detention, Search & Seizure - (*CPP Outside Counsel Duane Bennett, Esq.*)

Location: **TBD**

October 2023

4:30pm-7:30pm

### Component 9

Regular Business Meeting & Training

- Presentation on the Parliamentary Procedure
- CPP Policies & Procedures – Bylaws, Standard Operating Procedures, Implementation Ordinance
- Better Management Impact System – Tracking Commissioner Hours
- Overview of POBOR (CPP Outside Counsel Duane Bennett)
- Civilian Oversight of Law Enforcement NACOLE -Video, Code of Ethics, Decorum, Principles of Civilian Oversight of Law Enforcement, ListServ, Annual Conference

Location: **TBD**

October 2023

3:30 – 7:30pm

### Component 10

SDPD Policies & Procedures Training, Internal Affairs Complaint Process, Ride-Alongs (*IA Captain*)

### Location

**San Diego Police Headquarters  
1401 Broadway – San Diego, CA**

October/November 2023

### Component 11

Panel Presentations on Civil or Human Rights, Criminal Justice, Youth, Mental Health, Impacted Individuals

**Commission on Police Practices  
Training Academy**

**Location: TBD**

**October/November 2023**

**Component 12**

Workshop #1: Detailed Review of a Case,  
Report Write-up of a Case

Workshop #2: Case Presentation

**At the conclusion of this component new  
members will be ready to begin reviewing  
cases.**

**Location: TBD**

DRAFT



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: September 12, 2023

TO: \_\_\_\_\_

FROM: Anthony Dupree, Captain, Internal Affairs Unit

SUBJECT: Internal Affairs Confidentiality Agreement

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***All Internal Affairs personnel, other Department members, and City entities with access to any form of Internal Affairs related data, are responsible for maintaining the integrity of the Internal Affairs Unit by ensuring strict confidentiality standards are adhered to at all times. Security measures and access to all Internal Affairs Files will be strictly enforced and in accordance with the Internal Affairs Operations Manual, Department Procedure, the Peace Officers Bill of Rights, and all relevant laws. Those with access to Internal Affairs data shall ensure the following security measures be adhered to:***

All complaint allegations, files, and information discussed among staff regarding complaints shall be considered confidential.

Personnel are at times given privileged information that will not be discussed with anyone without a “need to know,” or a “right to know.”

Personnel shall refrain from discussing investigations in non-secure areas, or areas to which persons other than members of the Internal Affairs Unit have access. Such non-secure areas include, but are not limited to, police building parking lots, elevators, hallways, and lobbies, as well as the common areas of the Internal Affairs Office.

In undertaking my duties as an employee or associate of the San Diego Police Department, I pledge to maintain the confidentiality of information garnered through Internal Affairs documents, information, and discussions.

Upon separation, transfer, or removal from the Internal Affairs Unit, I will not talk about Internal Affairs Unit personnel, cases or operations in a specific or general manner. Any breach of confidentiality is strictly prohibited.

I acknowledge the confidentiality policy of the Internal Affairs Unit.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

CITY OF SAN DIEGO  
ADMINISTRATIVE REGULATION

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INFORMATION SECURITY POLICY	Effective Date May 5, 2017		

1. PURPOSE

- 1.1. To ensure *City Information* is accurate, relevant, properly protected, and handled consistent with City policies and *Standards*.
- 1.2. To establish *Information Security Policies* and procedures for protection of *City Information* and the use of *City Computer Equipment*, *Network Services*, and *Electronic Mail (Email)* and non-City or personal *Computer Equipment* that may be used to access *City Computer Equipment*, *Computer Systems* or *Network Services* by any person or affiliate that is subject to this Administrative Regulation.
- 1.3. To establish a procedure for approving and notifying employees, and other individuals and entities subject to this Administrative Regulation, about *Information Security Standards and Guidelines* that will provide specific guidance and criteria in securing and using *City Computer Equipment*, *Network Services*, and *Email*.
- 1.4. To establish the basis for an Identity Theft Prevention Program, to ensure the security and safety of both employee and citizen/customer personal information.

2. SCOPE

- 2.1. This regulation applies to all City employees, contractors, volunteers, and other affiliates, sometimes collectively referred to as "Individuals," using some or all of the City of San Diego's *Computer Systems*, *Computer Equipment*, *Network Services* or *Email* system.
- 2.2. This regulation applies to the use of *City Computer Equipment* or *Network Services* and to non-City or personal computer equipment that may be used to access *City Computer Systems* or *Network Services* by any Individual subject to this Administrative Regulation.

3. DEFINITIONS

- 3.1. Breach - Means unauthorized access to the City's *Computer Equipment*, *Computer Systems*, *Email*, or *Network Services* was, or is reasonably believed to have been, acquired by an unauthorized person.

(Supersedes Administrative Regulation 90.63, Issue 1, effective June 30, 2011)

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Authorized

*(Signature on File)*

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CHIEF OPERATING OFFICER

CITY OF SAN DIEGO  
ADMINISTRATIVE REGULATION

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- 3.2. City Information - Includes information relating to the conduct of the public's business which is prepared, owned, used or retained by any City department or Individual regardless of physical form or characteristics.
- 3.3. Computer Equipment - Includes computer hardware and peripherals, including monitor, mouse, keyboard, and printers, tablets, portable or laptop computers, smart phones and similar communication equipment owned, operated or maintained by the City or an information technology (IT) service provider under contract with the City.
- 3.4. Computer Systems - Includes a network system, interconnected *computer equipment* (e.g., servers and storage devices), software package, or other IT resources.
- 3.5. Email (Electronic Mail) - A method of composing, storing, sending, and receiving (electronic transfer of information) electronic messages, memoranda, and attached documents from a sender to one or more recipients via a telecommunications network.
- 3.6. Guidelines - Recommended actions and/or industry best practices that should be used regarding security practices for ensuring compliance with policies and *standards*.
- 3.7. Information Security - An attribute of information systems which includes specific policy-based mechanisms, practices, procedures, and assurances for protecting the confidentiality and integrity of information, the availability and functionality of critical services, and the privacy of individuals.
- 3.8. Information Security Standards and Guidelines - Means the *standards* and *guidelines* developed by the Department of IT and approved by the appropriate IT governance body which govern operation of City *Computer Systems*, *Computer Equipment*, *Email*, and *Network Services*.
- 3.9. Information Security Policies - Organizational rules and practices that regulate how an organization manages, protects, and uses its information system assets and data.
- 3.10. Internet - A publicly accessible network connecting *Computer Systems* throughout the world using the standard *Internet Protocol* (IP). In addition to providing capability for *Email*, other *Internet* applications include, but are not limited to, news groups, data processing & storage services, data transfer services, *Email*, cloud services, and the world-wide web ("WWW" or "Web").
- 3.11. Network Services - Communication networks, including the underlying infrastructure of routers, switches, wireless access points, and communications media for hard-wired or wireless transmission of data across the network. Local Area Networks (LANs), Wide Area Networks (WANs), the *Internet*, and wireless networks are examples of *Network Services*.

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- 3.12. Standards - Indicates how and what kind of software, hardware, databases, and business practices should be implemented, used, and maintained to meet security and operational objectives.
- 3.13. System Managers or System Administrators - Individuals who support the operations and integrity of City *Computer Systems* and their use. Their activities might include system installation, configuration, integration, maintenance, security management, and problem analysis and recovery. By the nature of their duties, they have administrative-level access to *Computer Systems*, including operating systems, applications, databases, software utilities, and computer hardware, not accessible by standard *Users*.
- 3.14. User - Any individual who has been granted privileges and access to City *Computer Equipment, Network Services*, applications, resources, or information. *User* is also any person who is identified in Sections 2.1. and 2.2. above.
- 3.15. User ID or User Account - The unique account identifier that is assigned to a *User* of the City's *Computer Equipment, Computer Systems*, and *Network Services*.

4. POLICY

4.1. General

- 4.1.1. Guidance, direction, and authority for *Information Security* activities are centralized for the City under the Department of Information Technology ("Dept. of IT"), Chief *Information Security Officer (CISO)*.
  - a. The Dept. of IT will provide direction and expertise to ensure the City's information is protected. This responsibility includes consideration of the confidentiality, integrity and availability of both information and *Computer Systems* that manage information. The Dept. of IT will act as a liaison for all *Information Security* matters with all City departments and IT service providers, and must be the focal point for all *Information Security* activities throughout the City. The Dept. of IT will participate in vendor product evaluations and in-house system development projects, assist with implementing security controls, investigate *Information Security Breaches* and perform other activities which are necessary to assure a secure information handling environment.
  - b. The Dept. of IT has the authority to provide exceptions to specific provisions of this policy based upon unique business requirements and other considerations. Departments will promptly notify the Dept. of IT in the event an exception is being requested for the security requirements of their respective *Computer Systems*. All exception requests and resulting actions must be fully documented and will be retained by the Dept. of IT.

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- 4.1.2. All computer files developed, created or enhanced within the scope and course of City employment, or a City third-party contractual relationship, are the property of the City of San Diego, regardless of their physical location or the form in which they are maintained. These include, but are not limited to, computer data files, documents, databases, spreadsheets, calendar entries, appointments, tasks, and notes which reside on any City *Computer Systems* or *Computer Equipment*, or the *computer equipment* of a contractor performing work for or on behalf of the City.
- a. The City reserves the right to access and disclose as required or permitted by law, and as defined in the approved *Information Security Standards and Guidelines*, all messages and other electronic data sent over its *Email* systems or stored in computer files on City *Computer Equipment*. City-related computer files stored on non-City or personal computers must be provided upon the City's request in City standard formats.
  - b. It is the responsibility of the Department Head or designee to ensure access to City *Computer Systems* is terminated and all computer files are properly handled by the City when an employee leaves City employment, pursuant to applicable City regulations, policies, and procedures.
  - c. All inventions, improvements, developments, or other works and any related copyrights, trademarks, patents or other intellectual property rights which are in any way related to City business or activities and which are created, developed, enhanced, or are derived, by one or more City employees during the employee's employment and compensated working hours, or using City *Computer Equipment*, or otherwise developed within the scope of an employee's employment, are the exclusive intellectual property rights of the City of San Diego and the City shall own all rights in such intellectual property, including any applicable copyright, patent, trademark, or other intellectual property rights.
- 4.1.3. Access to information available through the City's *Network Services* or from the City's *Computer Systems* is controlled by Dept. of IT approved access control criteria and *Information Security Standards and Guidelines*, which are to be maintained and reviewed at least annually, including updates, as necessary.
- 4.1.4. Authorized access to City *Computer Systems* and *Network Services* shall be at the minimum level required for the Individual to perform and complete their assigned duties, and not at a level that allows access to information beyond the scope of that Individual's assigned duties.
- 4.1.5. Each *Computer System* or *Network Services User ID* must uniquely identify only one *User*. Generic, shared, or group *User IDs* are not permitted. Any unique *User ID* shall not be duplicated across multiple *user* authentication directories,

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so that there is always only one source *User* directory for authenticating any *User ID* for access to City *Computer Systems* or *Network Services*. Network security groups may be used to combine *Users* access rights. Approved group *Email* accounts may be shared by multiple *Users* who each have unique *User IDs*.

- a. Any Department that requires Individuals to share a single *Computer System*, such as a desktop PC used for customer service, must ensure compliance with the shared-use workstation requirements of the *Information Security Standards and Guidelines*.
- 4.1.6. The initial login password issued to a *User* must be valid only for that *User's* first online session. At the time of initial login, the system must force the *User* to create another password before any other work can be done on the system. Passwords must meet the current criteria set in the *Information Security Standards and Guidelines*.
- 4.1.7. *Network Services* are an essential component of the City's information resources. No device may be connected to the City's *Computer Systems*, data network or voice network unless it has been specifically approved by the Department of Information Technology (IT) pursuant to *Information Security Standards and Guidelines* adopted in accordance with this policy. This section excludes portable data storage devices/media, such as USB drives, being connected to an existing City computer, as long as proper security measures are taken with those devices to prevent and avoid infection by malicious software (i.e., virus or Trojan).
- 4.1.8. All servers, network equipment or telecommunications equipment used for the production support of City business operations must utilize uninterruptible power supply (UPS) and surge protection. Devices deemed critical to City business operations should be on dual power grids or on emergency power generators to protect against power outages.
- 4.1.9. Portable storage devices should only be used for temporary storage of data. Any City data or records created on portable storage devices, such as CDs or USB drives, are to be treated according to Section 4.1.2. above. The content should be made accessible in a standard format and should comply with the *Information Security Standards and Guidelines*. City records stored on portable storage devices must be retained in accordance with applicable laws, rules, regulations, and policies pertaining to the management and retention of City records.
- 4.1.10. Misrepresenting, obscuring, suppressing, or replacing a *User's* identity on an electronic communications system is forbidden. The *User* name, *Electronic Mail*

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address, and related information used for login/access and included with messages or online postings must reflect the actual originator of the messages or postings.

4.1.11. *Users* shall not download or store software from the *Internet* on *City Computer Equipment* which has not been properly licensed to the City or in which the City does not have a legal right to possess or use. *Users shall not install unauthorized or unlicensed software programs on City Computer Equipment. Any authorization must be obtained in advance from the Department of IT.*

4.1.12. An *Information Security* Committee or its successor, as defined and chartered through the City's IT governance structure, will meet periodically to review the current status of the City's *Information Security*, review and monitor security incidents within the City, approve and periodically review *Information Security* projects, and provide semi-annual reports related to these activities to the Dept. of IT.

a. The *Information Security* Committee will review this policy and the related *Information Security Standards and Guidelines* annually during the first quarter of each fiscal year, making recommendations for any updates to the Dept. of IT. The Dept. of IT will forward any recommended updates to the City executive management team for approval.

4.2. Departmental Management Policy

4.2.1. Department Directors are ultimately responsible for departmental compliance with the provisions of this policy and other *information security* and acceptable use policies.

4.2.2. Senior management will lead by example by ensuring *Information Security* is given a high priority in all current and future business activities and initiatives.

4.2.3. Management must provide all *Users* within their department with sufficient training to allow them to understand their personal responsibilities to properly protect information resources, including tracking of the dates and names of employees trained. *Information Security* training materials will be created, maintained, and made available by the Dept. of IT. Such training should occur within the first 90 days of employment, and then refresher training should occur annually for all employees.

4.2.4. Management must allocate sufficient on-the-job time for *Users* to acquaint themselves with *Information Security Policies*, separately from the formal training required in Section 5.3 above, including the *Information Security Standards and Guidelines* with related procedures on prohibited activities and

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appropriate ways to report security threats. Management must notify *Users* of specific actions that constitute security violations and that such violations will be logged.

- 4.2.5. Each department will designate an *Information Security Liaison* (ISL) to be the primary point of contact responsible for department compliance with the City's *Information Security Policies* and coordination with the Dept. of IT. The *Information Security Liaison* should be a senior IT staff member or unclassified manager. The City's Chief *Information Security Officer* will manage the ISL program and provide information and training pertinent to the position to assist in protecting City IT assets.
- 4.2.6. Each department will review their own security practices at least annually for conformance with this policy and compliance with the *Information Security Standards and Guidelines*.
- 4.2.7. All department and City *Computer Systems* privileges must be promptly terminated at the time a *User* leaves City employment or ceases to provide services to or receive services from the department or the City. Such termination of access to City *Computer Systems* includes revocation of the assigned *User ID* and must occur as soon as possible and, in any case, no more than three (3) business days, after access is no longer required. All files held in the *User's* home directory, as applicable, will be held for 90 days for their supervisor or designee to review and will then be deleted. All City records shall be retained in accordance with the department's approved Records Disposition Schedule or the Citywide General Records Disposition Schedule
- 4.2.8. Records reflecting the *Computer Systems* on which *Users* have accounts must be kept up-to-date and reviewed periodically, at least annually, by the respective Department Head or designee, so *Computer Systems* access privileges may be expeditiously revoked on short notice, if the need arises.
- 4.2.9. To provide evidence for investigation, prosecution or disciplinary actions, relevant *Computer Systems* information should be immediately captured and preserved whenever it is suspected that a computer *Breach*, crime or abuse has taken place. The relevant information must be securely stored offline until such time as legal counsel determines the City will no longer need the information. The information to be immediately collected shall include the current system status and backup copies of all potentially involved files. The *Information Security Liaison* or *User* who discovers the suspected *Breach*, crime or abuse should report such to the Dept. of IT, Chief *Information Security Officer* who will take action to preserve the relevant information.

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INFORMATION SECURITY POLICY	Effective Date May 5, 2017		

- 4.2.10. To ensure a quick, effective, and orderly response to *information security* incidents, the *Information Security* Committee will identify a “Cyber Security Incident Response Team” (CSIRT) comprised of IT staff to handle the reporting of and response to *information security* incidents. The reporting of incidents will be done according to the *Information Security Standards and Guidelines*.
- 4.2.11. All known vulnerabilities of the City’s *Computer Systems*, in addition to suspected or known violations, must be communicated in an expeditious and confidential manner to the Dept. of IT, the Chief *Information Security* Officer, the IT Service Provider, and any others designated by the Dept. of IT.
- 4.2.12. Except as specifically provided for in this policy, other *Information Security Policies* and procedures or otherwise provided by law, reporting *information security* violations, problems or vulnerabilities to any person outside the City, except to an appropriate government or law enforcement agency, without the prior written approval of the Dept. of IT, is strictly prohibited.
- 4.2.13. Criticality levels will be assigned to each business application to reflect the potential impacts resulting from a *Breach*, data corruption or denial of service. No less than once every two years, the Dept. of IT will conduct a rating survey to inventory and assign criticality levels to City applications. Each Department Director or their designee will assign criticality levels and data elements based on criteria established by the *Information Security* Committee. The Dept. of IT will maintain a master list of all inventoried applications and assigned ratings.

4.3. *User Policy*

- 4.3.1. *Users* must be responsible in their use of City *Computer Equipment*, and *Network Services*. Any action that may cause interference with City *Computer Systems* exposes the City’s *Computer Systems* to risk or adversely impacts the work of others in using these *Computer Systems* is prohibited.
- 4.3.2. Employees may be disciplined in accordance with standard City procedures for improperly using or knowingly allowing the improper use of the City’s *Computer*
- 4.3.3. *Equipment*, *Network Services* or *Email* system as stated in this regulation. Abuse of the City’s *Computer Systems* may result in disciplinary action, up to and including termination and criminal prosecution if deemed appropriate.
- 4.3.4. Employees should cooperate fully with all investigations, regarding the abuse of the City’s *Network Services*, *Computer Equipment*, *Computer Systems*, and the *Internet*.
- 4.3.5. Every end *User* must have a single unique *User ID* and a personal password which must be kept confidential and not shared with anyone else. This *User ID* and

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password will be required for access to all multi-*user Computer Equipment* and *Network Services*. *User* passwords must comply with the *Information Security Standards and Guidelines*.

- 4.3.6. *Users* accessing *City Computer Systems* are prohibited from gaining unauthorized access to any other non-City *computer systems* or in any way damaging, altering or disrupting the operations of those systems. *Users* are also prohibited from capturing or otherwise obtaining passwords, encryption keys, or any other access control mechanism which could permit unauthorized access.
- 4.3.7. Employees who use *City Computer Systems, Computer Equipment, Network Services, or the City's Email* shall sign an *Information Security Policy Acknowledgement Form* which states that the employee agrees to comply with the terms of this Administrative Regulation.

4.4. System Manager/Administrator Policy

- 4.4.1. Every multi-*user* system must include sufficient automated tools to assist *System Managers* in verifying the security status of the *Computer Equipment* and *Computer Systems*. These tools must include mechanisms for automated notifications to be sent to *System Managers* and for the correction of security problems.
- 4.4.2. Whenever a *City Computer System* has been *Breached* by an unauthorized party, or there is a reasonable suspicion of a *Breach* or other system compromise, *System Managers* must immediately change the password on the involved system and any other systems at risk from the *Breached* account. Under either of these circumstances, all recent changes to *User* and system privileges must be reviewed for unauthorized modifications.
- 4.4.3. Production application systems which access financial or sensitive information must generate logs that show every addition, modification, and deletion to such information.
- 4.4.4. Mechanisms used to detect and record significant computer security events must be resistant to attacks. These attacks include attempts to deactivate, modify, or delete the logging software or the logs themselves
- 4.4.5. All *Computer Systems* and application logs must be maintained in an environment where they cannot readily be viewed by unauthorized persons. By definition, a person is unauthorized if he or she is not a member of the authorized network security group(s) which allow access to such logs.

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- 4.4.6. Logs of computer security related events must provide sufficient data to support comprehensive audits of the effectiveness of, and compliance with, security measures. Logs containing computer security related events must be retained in accordance with the applicable department's Records Disposition Schedules or the Citywide General Records Disposition Schedule. During this period, the logs must be secured so that they cannot be modified, and so that they can be read only by authorized persons. These logs are important for error correction, forensic auditing, security *Breach* recovery, and related efforts.
- 4.4.7. To allow proper remedial action, *System Managers* must, on a daily basis, review records reflecting security relevant events on multi-user machines/systems.
- 4.4.8. When a person who is authorized as a System Manager or System Administrator ceases to perform those functions, then such person's access to *City Computer Systems, Computer Equipment, Network Services*, and applications must be immediately revoked and system-level passwords to which he or she had access must be changed as soon as possible and, in any case, no more than twenty-four (24) hours after such System Manager or System Administrator ceases to perform those functions. In addition, such person's physical access to *City Computer Systems, Computer Equipment, and Network Services* must be restricted or revoked immediately, as appropriate.

5. RESPONSIBILITY

5.1. Mayor

- 5.1.1. The Mayor will establish regulations and procedures regarding the security and safeguarding of City data, *Computer Equipment, Computer Systems, and Network Services*.

5.2. Chief Information Officer

- 5.2.1. The Chief Information Officer has the responsibility to provide *Guidelines*, strategic direction, oversight, and coordination of citywide *Computer Systems*.

5.3. Chief *Information Security* Officer

- 5.3.1. The Chief *Information Security* Officer or designee will direct and manage the planning and supervision of all *Information Security* services for the City, including those provided by vendors/providers.

5.4. Strategic Technology Advisory Committee (STAC)

- 5.4.1. The Strategic Technology Advisory Committee (STAC) or other IT governing

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body as assigned by the City Chief Operating Officer is responsible for approving *Information Security Standards and Guidelines*.

5.5. *Information Security Committee*

5.5.1. The *Information Security Committee* or other IT governing body as assigned by the STAC is responsible for reviewing departments' initial requests for exemptions from the *Information Security Standards and Guidelines* and recommending modifications to the City's existing *Information Security Standards and Guidelines*, as necessary

5.6. IT Services Provider(s)

5.6.1. The City's IT services provider(s) will be responsible for providing, operating, and maintaining the City's primary *Computer Systems*, and *Email* systems, *Network Services*, and *Internet* connectivity. The IT services provider is charged with the responsibility of protecting the City's *Network Services* and *Computer Systems* from intrusion from outside sources, including the management and maintenance of firewalls

5.7. Department Directors

5.7.1. Department Directors or their designees are responsible for approving requests for *User IDs* and *User Accounts* for *Email* and *Network Services*.

5.8. *Information Security Liaison*

5.8.1. The departmental *Information Security Liaison* is the primary point of contact responsible for department compliance with the City's *Information Security Policies*.

5.9. System Administrators and System Managers

5.9.1. *System Administrators* and *System Managers* are responsible for maintaining the security and integrity of City *Computer Systems* and *Network Services*, including duties related to creating, modifying, and deleting *User IDs* or *User Accounts*, and for maintaining the confidentiality of data contained on those systems in compliance with the City's *Information Security Policies*.

5.10. IT Asset Manager

5.10.1. The department IT Asset Manager is responsible for maintaining an accurate, up-to-date inventory of all departmental IT assets, including computer hardware and software.

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5.11. Supervisory Personnel

5.11.1. Supervisory Personnel are responsible for overseeing the employee's use of City *Computer Systems, Email systems, and Network Services.*

5.12. Every Individual is responsible for his/her actions and conduct in accessing or using the City's *Computer Systems, Network Services, and Email Systems.* Violation of the City's *Information Security Policies* or unauthorized or inappropriate use may result in disciplinary action.

APPENDIX

Legal References

San Diego Municipal Code, section 27.3564(b)

Administrative Regulation 45.50 - Private Use of City Labor, Equipment, Materials, and Supplies Prohibited

Administrative Regulation 90.20 - Office Telephones

Administrative Regulation 90.62 - Information and Communications Technology Acceptable Use

Administrative Regulation 90.64 - Protection of Sensitive Information and Data

Administrative Regulation 90.65 - Broadcast Email and Voice Mail

Forms Involved

Employee Acknowledgement of IT Security Policy Overview

Form IT-063 - Information Security Policy Acknowledgement

Subject Index

Computer Equipment, Security Computer Systems, Security

Electronic Mail, Security Email, Security

Internet, Security

Network Services, Security

Security – Information Technology

Distribution

All Departments (Mayoral and Non-Mayoral)

Administering Department

Department of IT

**Information Security Policy Acknowledgement Form – City Employees**

**Policy Summary** (pertinent excerpts from Administrative Regulation 90.63):

4.1.2. All computer files developed, created or enhanced within the scope and course of City employment, or a City third-party contractual relationship, are the property of the City of San Diego, regardless of their physical location or the form in which they are maintained. These include, but are not limited to, computer data files, documents, databases, spreadsheets, calendar entries, appointments, tasks, and notes which reside on any City Computer Systems or Computer Equipment, or the Computer Equipment of a contractor performing work for or on behalf of the City.

a. The City reserves the right to access and disclose as required or permitted by law, and as defined in the approved Information Security Standards and Guidelines, all messages and other electronic data sent over its Email systems or stored in computer files on City Computer Equipment. City-related computer files stored on non-City or personal computers must be provided upon the City’s request in City standard formats.

4.1.4. Authorized access to City Computer Systems and Network Services shall be at the minimum level required for the Individual to perform and complete their assigned duties, and not at a level that allows access to information beyond the scope of that Individual’s assigned duties.

4.1.5. Each Computer System or Network Services User ID must uniquely identify only one User. Generic, shared, or group User IDs are not permitted. [...] Network security groups may be used to combine Users access rights. Approved group Email accounts may be shared by multiple Users who each have unique User IDs.

4.3.1. Users must be responsible in their use of City Computer Equipment, and Network Services. Any action that may cause interference with City Computer Systems, exposes the City’s Computer Systems to risk or adversely impacts the work of others in using these Computer Systems is prohibited.

4.3.2. Employees may be disciplined in accordance with standard City procedures for improperly using or knowingly allowing the improper use of the City’s Computer Equipment, Network Services or Email system as stated in this regulation. Abuse of the City’s Computer Systems may result in disciplinary action, up to and including termination and criminal prosecution if deemed appropriate.

4.3.4. Every end User must have a single unique User ID and a personal password which must be kept confidential and not shared with anyone else. This User ID and password will be required for access to all multi-user Computer Equipment and Network Services. User passwords must comply with the Information Security Standards and Guidelines.

4.3.5. Users accessing City Computer Systems are prohibited from gaining unauthorized access to any other non-City Computer Systems or in any way damaging, altering or disrupting the operations of those systems. Users are also prohibited from capturing or otherwise obtaining passwords, encryption keys, or any other access control mechanism which could permit unauthorized access.

**Employee/Supervisor Acknowledgement**

By signing below, the employee acknowledges that he or she has been advised of the City’s policies related to Information Security as provided in Administrative Regulation 90.63 (“Information Security Policy”), which has been discussed with his or her supervisor, and further acknowledges that he or she understands and agrees to comply with the provisions of the policy. Employee understands that this form will be kept as part of his or her departmental employee file, and that he or she may receive a copy, if requested. The supervisor acknowledges that he or she has discussed the policy (A.R. 90.63) with the employee named below and understands the supervisor’s obligations regarding Information Security under this policy.

\_\_\_\_\_  
Employee’s Name (Print Legibly)

\_\_\_\_\_  
Employee’s Signature

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Supervisor’s Name (Print Legibly)

\_\_\_\_\_  
Supervisor’s Signature

\_\_\_\_\_  
Date Signed

CITY OF SAN DIEGO  
ADMINISTRATIVE REGULATION

SUBJECT  INFORMATION & COMMUNICATIONS TECHNOLOGY ACCEPTABLE USE	Number 90.62	Issue 2	Page 1 of 7
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**1. PURPOSE**

- 1.1 This regulation defines acceptable uses of the City's information and communications technology resources.
- 1.2 This regulation also defines unacceptable actions and uses of City information and communications technology resources.
- 1.3 The standards set forth in this regulation are minimum standards for City Departments. Departments may develop rules and procedures regarding department-specific use of information and communications technology resources in order to implement this policy. Departments may also develop more restrictive rules for the particular department, when required to comply with local, state or federal laws or regulations.

**2. SCOPE**

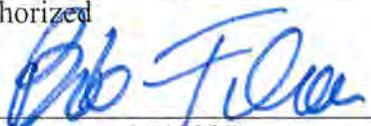
- 2.1 This regulation applies to all information and communications technology resources owned or leased by the City, or that are provided as a service to the City, including future emerging technologies that may be implemented, and activities using any City-paid accounts, subscriptions or other technology services, such as Internet and World Wide Web access, voice mail, and Email, regardless of where the activities are conducted.
- 2.2 This regulation applies to all City employees, volunteers, and other City agents, collectively referred to as "Individuals," using some or all of the City's Information and Communications Technology Resources.
- 2.3 The City's information and communications technologies are provided for the benefit of City Departments in providing public services.

**3. DEFINITIONS**

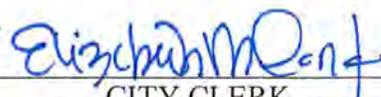
- 3.1 "IT" – Information Technology

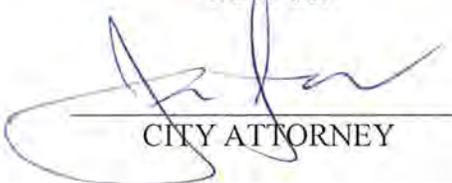
(Supersedes Administrative Regulation 90.62, Issue 1, effective October 1, 1996)

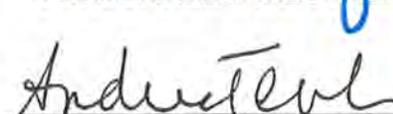
Authorized

  
MAYOR

  
PERSONNEL DIRECTOR

  
CITY CLERK

  
CITY ATTORNEY

  
INDEPENDENT BUDGET  
ANALYST

  
CITY AUDITOR

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- 3.2 “FTP” – File Transfer Protocol – A protocol used to transfer files between networked devices.
- 3.3 “Email” (Electronic Mail) – The electronic transfer of information typically in the form of electronic messages, memoranda, notes, meeting appointments, and attached documents from a sender to one or more recipients via a telecommunications network.
- 3.4 “Information and Communications Technology Resources” or “City IT Resources” – All technology resources owned or leased by the City and any City-paid accounts, subscriptions or other technology services. This includes office telephones, wireless/cellular telephones, smart phones, desktop and portable computer systems, printers fax machines, Internet and World Wide Web (Web) access, internal and external Email, electronic bulletin boards or newsgroups, file transfer protocol (FTP), other wireless systems, and emerging communications systems or devices.
- 3.5 “Internet” - is a network of networks connecting computer systems throughout the world. In addition to providing capability for Email, other Internet applications include, but are not limited to, news groups, FTP, telnet and the Web.
- 3.6 “Confidential” - For the purpose of this Administrative Regulation, confidential information refers to City information not authorized or intended to be disclosed outside the City. Such information shall only be accessible or disclosed to those individuals who have a business need to know, and shall not otherwise be disclosed unless disclosure is required by contract, ordered by a court, or required under applicable local, state, or federal laws or regulations. Confidential is not intended to cover City sensitive data category which is governed by state and federal law (e.g. social security numbers, credit card numbers, medical record information and etc.). Refer to AR90.64 for the Sensitive Data Administrative Regulation.

**4. GENERAL POLICY**

- 4.1 Use of City IT Resources shall be limited to work-related, City business purposes only. Personal files should not to be stored on City equipment.
- 4.2 When using the City's Email system, the Internet or other City IT Resources to communicate with others external to the City organization, individuals are representing the City of San Diego and therefore must communicate in a business-like manner. Refer to “Best Practices and Tips” on the CityNet site (located at Departments – Human Resources – Resources and Tools - Customer Service Best Practices and Tips) to ensure the communication is not in conflict with City policies or regulations.
- 4.3 The City's IT Resources and the data stored on them are the property of the City. An individual has no right of privacy in any information or data maintained in or on City IT

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resources. Access to City IT Resources is a privilege which can be revoked at any time at the discretion of City management.

- 4.4 If during the course of employment, an individual performs or transmits work using City IT Resources, that work may be subject to the investigation, search, and review of others in accordance with this or other policies.
- 4.5 Unacceptable Uses: Notwithstanding any provisions of law to the contrary, the following uses of City IT Resources are expressly prohibited. This list does not necessarily include all possible unacceptable uses and may be expanded as new technologies emerge. The City retains the right to sanction individuals, as deemed appropriate, for unacceptable uses that may be defined later. Where a prohibited use is defined as “unauthorized” below, proper authorization must be requested in writing, in advance, through the Department of Information Technology or as otherwise directed.
- 4.5.1 Use of City telephones (landlines or wireless) for personal long distance calls. Such calls should be made through the use of a personal telephone credit card or with operator assistance and billed to the caller’s home telephone number.
- 4.5.2 Illegal activities including but not limited to fraud, theft, copyright infringement.
- 4.5.3 Use for personal profit, including the conducting of private commercial activities, solicitation or other personal business interest, or for the profit of another organization.
- 4.5.4 To conduct political activities as described by San Diego City Charter section 31 or San Diego Municipal Code section 27.3564(b).
- 4.5.5 To play online games or gamble.
- 4.5.6 To knowingly send, save, view or access material containing content that may be considered offensive to a reasonable person. Offensive material includes, but is not limited to, pornography, sexual comments, jokes or images, racial slurs, gender-specific comments, or any comments, jokes or images that would offend someone on the basis of his or her race, color, creed, sex, age, national origin or ancestry, physical or mental disability, veteran status, marital status, medical condition, sexual orientation, and any other category protected by federal, state, or local laws. Any use of City IT Resources to harass, threaten or discriminate is strictly prohibited by the City.

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- 4.5.7 To knowingly send, save, view or access material containing content that may reasonably be considered threatening to any individual.
- 4.5.8 Actions or attempted actions to bypass, defeat or attack established City network, server, computer or any other security controls.
- 4.5.9 Unauthorized addition or modification to the City network, which includes, but is not limited to, the connection of personal or unauthorized network switches, routers, and wireless access points.
- 4.5.10 To read, delete, copy or modify Email of other users, without appropriate delegation or advanced authorization.
- 4.5.11 Any actions for the purpose of hacking, tampering, trespassing, probing, eavesdropping, monitoring, wiretapping, cracking, recording, breaching, surveying, intercepting, data theft, forgery, sabotage, spoofing (forgery of digital identity) of electronic communications and excessive loading or congesting (i.e., Denial of Service attack) of the City network or computers. This prohibition does not apply to legitimate investigations conducted by authorized persons or agencies in the collection of evidence.
- 4.5.12 To access or modify data or programs for which a user does not have authorization or explicit consent from the owner of the data/information, or from an appropriate level of management. (Refer to A.R. 90.64)
- 4.5.13 To knowingly introduce, distribute, propagate or download any computer viruses or other contaminants (e.g., computer worms or Trojans).
- 4.5.14 Accessing streaming audio or video or any other bandwidth intensive activities from Internet resources at any time for non-business use. Exceptions include streaming video from City of San Diego "City TV" as "City TV" is considered to be a work-related activity, and emerging technologies that may be used for City-related activities (e.g., posting of City communications on social media websites).
- 4.5.15 To download any software or applications from the Internet for personal use at any time, or for business use without proper advance approval from department management and the Department of IT.
- 4.5.16 To send or attempt to send "spam" messages (unsolicited Email messages, usually to a large number of recipients, including the sending of junk mail or other advertising material to individuals who did not specifically request such material), junk mail or any other for-profit messages, "chain letters" or any

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other mass mailings of a non-work related nature. (Refer to Administrative Regulation 90.65)

- 4.5.17 To forward Email or upload any file attachments containing confidential City data or information to a personal (external) Email account (e.g., Yahoo, AOL, etc.).
- 4.6 Individuals shall not disclose any of the City’s internal (i.e. proprietary or confidential) operations information on external (public or private) web logs (“blogs”), chat rooms, Internet forums, message boards, social media sites (Facebook, Twitter or YouTube) or other publicly accessible web sites, without the prior, written authorization from City management or City Council as required by policy or law. This does not apply to any information that is already publicly available from the City’s web site or other sites where the information was authorized to be posted.
- 4.7 The Department of IT is responsible for the development and management of the City’s public Web Site ([www.sandiego.gov](http://www.sandiego.gov)) and the City’s internal CityNet Web Site ([citynet.sannet.gov](http://citynet.sannet.gov)). The Department of IT is the final authority for approving content from departments to ensure compliance with City Web Site guidelines and standards for appropriateness, style, structure, functionality, and accessibility, including compliance with the Americans with Disabilities Act.
- 4.8 City Departments shall use the City’s official public Web Site for all official City Internet postings. Social Media may only be used in accordance with the Social Media Guidelines available on Citynet (Located at Departments - Department of Information Technology – IT Services – Web Services – Web Policies & Procedures).
- 4.9 New Web Sites or Internet Domain Names shall not be obtained or created without the prior written approval of the Department of IT.

**5. EMAIL POLICY**

- 5.1 Email, and the electronic distribution of documents, is subject to all the same laws, policies and practices that apply to other means of communication, such as telephone and paper documents and records. This includes, but is not limited to, product endorsements, copyright laws, software licensing, patent laws, record retention, and proper business correspondence practices.
  - 5.1.1 Transmission of any material in violation of Local, State or Federal laws or regulations and City policy and procedures is prohibited.
  - 5.1.2 Under the California Public Records Act, any Email may be a public record. Individuals should be aware that electronic records are subject to the mandatory

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public disclosure requirements of the Public Records Act, and subject to exceptions under the Act. Public Records Act requests should be handled in accordance with the City policy direction as stated in A.R. 95.20.

- 5.2 Individuals are responsible for all Email messages and attached documents originating from his/her user Email address and for directing Email only to intended recipients.

**6. EMPLOYEE AND SUPERVISOR RESPONSIBILITIES**

- 6.1 City IT Resources are provided for use in the pursuit of City business and are to be reviewed, monitored, and used only in that pursuit.
- 6.2 Each Individual is responsible for the content of all text, audio, or images that they place or send using City IT Resources.
- 6.3 Individuals who misuse City IT Resources are subject to disciplinary action up to and including termination.
- 6.4 The City may advise appropriate legal officials of any evidence of illegal activities. Individuals should contact their supervisor if they have any questions regarding appropriate use of City IT Resources.
- 6.5 Individuals accessing computers on the City network must acknowledge Acceptable Use prior to accessing City computers. City computers will prompt users for this acknowledgement prior to allowing access to the system.
- 6.6 Email and Internet/Web access are not entirely secure. Others outside the City may also be able to monitor Email and Internet/Web access. For example, Internet sites maintain logs of visits from users; these logs identify which particular person (based on Internet Protocol (IP) address) accessed the service. If an Individual's work requires a higher level of security, contact departmental IT staff or the Department of IT for guidance on securely exchanging Email or gathering secure information from sources such as the Internet or World Wide Web.
- 6.7 Individuals should safeguard the City's confidential information, as well as that of customers and others, from disclosure. Messages should be screened for confidential information prior to being viewed or shared with others. Messages containing confidential information should not be left visible while an individual is away from his or her work area. Department Directors should be engaged to provide guidance on confidential information and what security controls, if any, need to be applied to the information prior to being sent over Email.

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Legal References

San Diego City Charter Section 31

San Diego City Municipal Code Section 27.3654(b)

San Diego Administrative Regulation (AR) 45.50, "Private Use of City Labor, Equipment, Materials, and Supplies Prohibited"

AR 90.20, "Office and Wireless Telephones"

AR 90.63 "Information Security Policy"

AR 90.64, "Protection of Sensitive Information and Data"

AR 90.65, "Broadcast Email and Voice Mail"

AR 95.05, "Cell Phone and Other Handheld Communication Device Use Policy"

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Email, Acceptable Use

Network Services, Acceptable Use

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Department Heads

Department IT Administrators & Analysts

System Administrators

Administering Department

Department of Information Technology

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SUBJECT  CONFLICT OF INTEREST AND EMPLOYEE CONDUCT	Number 95.60	Issue 2	Page 1 of 8
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1. PURPOSE

1.1 The purpose of this regulation is to:

- a. Summarize in a single document a code of ethics and acceptable employee conduct which will apply equally to all employees, regardless of individual job duties and responsibilities.
- b. Emphasize that each employee in our city occupies a position of public trust which demands the highest moral and ethical standard of conduct.
- c. Ensure that citizens are given efficient, productive, and high quality services in a courteous impartial manner. Such services should be equally available, with no special advantage given any citizen beyond that available to all citizens.

1.2 Policies and regulations governing the conduct of City employees appear in the California Government Code, City Charter, Municipal Code, Council Policy Manual, Administrative Regulations, Personnel Manual, and Departmental Instructions. Employees shall familiarize themselves with the pertinent sections of these documents and consult them as necessary for information and guidance.

2. SCOPE

2.1 This regulation applies to all City of San Diego Employees.

(Supersedes Administrative Regulation 95.60, Issue 1, effective March 27, 1970)

Authorized

(Signed by John Lockwood)

\_\_\_\_\_  
CITY MANAGER

(Signed by John W. Witt)

\_\_\_\_\_  
CITY ATTORNEY

(Signed by Rich Snapper)

\_\_\_\_\_  
PERSONNEL DIRECTOR

(Signed by Charles G. Abdelnour)

\_\_\_\_\_  
CITY CLERK

(Signed by Judith Bauer)

\_\_\_\_\_  
INTERGOVERNMENTAL RELATIONS DIRECTOR

(Signed by Ed Ryan)

\_\_\_\_\_  
AUDITOR & COMPTRROLLER

(Signed by Bob Spaulding)

\_\_\_\_\_  
PLANNING DIRECTOR

CITY OF SAN DIEGO  
ADMINISTRATIVE REGULATION

SUBJECT	Number 95.60	Issue 2	Page 2 of 8
CONFLICT OF INTEREST AND EMPLOYEE CONDUCT	Effective Date May 23, 1990		

3. POLICY

3.1 Responsibility of Ethical Conduct

It is the responsibility of all City of San Diego employees to engage in ethical behavior and practices. Every employee is responsible for both the actual and perceived conflict of interest that may arise as a result of the employee's actions and it is the employee's responsibility to reduce or eliminate to the extent possible such actual and perceived conflicts of interest.

3.2 Responsibility of Public Services

All City of San Diego employees are bound to uphold the Constitution of the United States and the Constitution of the State of California, and to abide by the laws of the nation, state, and the City. They are bound to observe in their official acts, the highest standards of integrity and to discharge faithfully the duties of their position, recognizing that the lives, safety, health and welfare of the general public must be their primary concern. Their conduct in both their official and private affairs should be above reproach to assure that their public position is not used nor perceived as being used for personal gain. The conduct of all employees shall be such as to provide the best public service to each citizen and the community as a whole. The conduct of all employees shall be consistent with the goals and values of this organization.

3.3 General Rule Regarding Conflict of Interest

Employees shall not engage in any business or transaction, and shall not have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of their official duties or would tend to impair their independence, judgment, or action in the performance of such duties.

3.4 Acceptance of Favors, Gifts, and Gratuities

Persons in the public service shall not accept money or other consideration or favors from anyone other than the City for the performance of an act which they would be required or expected to perform in the regular course of their duties. This prohibition would not normally include items such as plaques, souvenirs, or mementos of nominal value often associated with a given event. Persons shall not accept gifts, gratuities or favors of any kind which might reasonable be interpreted as an attempt to influence their actions with respect to City business.

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3.5 Collateral or Outside Employment

a) Notification and Departmental Approval

Persons employed with the City who are engaged in any collateral or outside business activity or employment shall notify the Department Director or other appropriate appointing authority in writing. Persons contemplating such business activity or employment shall obtain departmental approval before accepting such employment.

b) General Prohibition

Pursuant to Council Policy 000-4, employees shall not engage in any collateral employment or business activity which is incompatible or in conflict with the duties, functions, or responsibilities of the City, the appointing authority, the department, or the employee. Activities which may constitute a conflict include: use of their City time, facilities, equipment and supplies, or the use of a badge, uniform, prestige or influence of their City or employment for private gain or advantage. An employee shall not engage in any collateral business activity or employment, which, by its nature, hours or physical demands, would impair the required quality or quantity of the employee's work with the City, impair the employee's independence of judgment or action in the performance of official duties, reduce the effectiveness or efficiency of the employee's department, reflect discredit on the City, or tend to increase the City's payments for Sick Leave, Worker's Compensation benefits, Long Term Disability or Industrial Leave benefits.

c) Specific Prohibitions

- 1) Employees shall not work within their discipline or profession for a company or as a self-employed consultant when their work is reviewed, or approved, or is subject to issuance of a permit by their City department.
- 2) Employees shall not submit work they have done for a collateral employer or as a self-employed consultant to the employee's division in the City for review, approval, or issuance of a permit.
- 3) Employees shall not review, approve, or issue a permit for work done by a collateral employer, whether the work submitted was done by the City employee or other staff of the collateral employer.

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- 4) Employees shall not attempt to influence the City’s review, approval, or issuance of a permit pertaining to work submitted by an employee’s collateral employer, whether the work submitted was done by the City’s employee or other staff of the collateral employer.
- 5) Employees in supervisory positions shall not assign to a subordinate any work a) resulting from the supervisor’s collateral employment, and b) requiring the City’s review, approval, or issuance of a permit.
- 6) Employees in supervisory positions shall not attempt to influence the City’s review, approval, or issuance of a permit pertaining to any work resulting from the supervisor’s collateral employment.

3.6 Use of City Employment and Facilities for Private Gain

Persons in the public service shall not use, for private gain or advantage, their City time or the City’s facilities, equipment or supplies. In addition, City employees shall not use or attempt to use their position to secure unwarranted privileges or exemptions for themselves or others. Administration Regulation 45.50, “Private Use of City Labor, Equipment, Materials, and Supplies Prohibited” is incorporated by reference in this paragraph.

3.7 Use of Confidential Information

Persons in the public service shall not use confidential information acquired by or available to them in the course of their employment with the City for speculation or personal gain. Persons in the public service shall uphold the public’s right to know, and in accordance with the Ralph M. Brown Act, uphold the public’s right to know not only the decisions taken, but also the deliberations which shape public policies.

Persons in the public service shall not disclose confidential personnel information acquired by or available to them in the course of their employment with the City except in the performance of their duties as required by law.

3.8 City Contracts

In accordance with Government Code section 87100 et. seq. and Government Code section 1090 et seq., persons in the public service shall not exercise any discretionary powers for, or make recommendations on behalf of the City or department or officer thereof with respect to any contract or sale to which the City or any department thereof is a party and in which such persons shall knowingly be directly or indirectly financially interested.

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3.9 Personal Investments

In accordance with Government Code section 87100 et seq., persons in the public service shall not make personal investments in enterprises which they have reason to believe may be involved in decisions or recommendations to be made by them, or under their supervision, or which will otherwise create conflict between their private interests and the public interest. If, however, persons in the have financial interests in matters or enterprises coming before them, or before the department in which they are employed, they shall disqualify themselves from any participation therein.

3.10 Discussion of Future Employment

Persons in the public service shall not negotiate for future employment outside the City service with any person, firm, or organization known by such persons to be dealing with the City concerning matters within such person's areas of responsibility or upon which they must act or make a recommendation, when the person's City employment status could create an advantage not available to other individuals, firms or organizations. City employees shall not communicate with former City employees on any issue or matter in which that former employee had official responsibility or participation for a period of one year from the former employee's final date of active employment. Council Policy 300-11, "City Contract Provisions with Respect to Hiring City Employees" is incorporated by reference in this paragraph.

3.11 Equal Employment

Persons in the public service shall not, in the performance of their service responsibilities, discriminate against any person on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, sex, sexual preference, medical condition, or handicap and they shall cooperate in achieving the equal employment opportunity and affirmative action goals and objectives of the City.

3.12 Reporting of Improper Government Activities

Persons in the City service are strongly encouraged to fulfill their own moral obligations to the City by disclosing to the extent not expressly prohibited by law, improper governmental activities within their knowledge. Employees are encouraged to contact departmental management with this information.

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No officer or employee of the City shall directly or indirectly use or attempt to use the authority or influence of such officer or employee for the purpose of intimidating, threatening, coercing, commanding, or influencing any person with the intent of interfering with that person's duty to disclose such improper activity.

3.13 Favoritism

Supervisory or management employees shall not participate in the appointment or recommend the appointment of any member of their immediate family, or any other person with whom the employee has a close personal or private business relationship, to a classified position of any department, office, bureau or division over which they have administrative control.

Supervisory or management employees shall not participate in the appointment or recommend the appointment of a member of their immediate family, or any other person with whom the employee has a close personal or business relationship, to another supervisory or management position of the City. This regulation permits immediate family members and close personal friends of supervisory or management employees to be appointed as classified employees in any department provided such supervisory or management employees make no recommendation nor otherwise attempt to influence such appointments.

No supervisory or management employee shall: 1) directly supervise any immediate family member or person with whom the supervisor has a close personal relationship (this does not apply to OCA assignments of 30 days or less); 2) influence the approval of any employee rewards for any immediate family member or person with whom the supervisor has a close personal relationship; 3) interfere with any performance evaluation or disciplinary proceeding for any immediate family member or person with whom the supervisor has a close personal or business relationship; and 4) recommend or attempt to influence any contractor or business which has a business relationship with the City to employ a member of his or her immediate family or any other person with whom the employee has a close personal or business relationship.

For purposes of this section, the term "immediate family" shall mean spouse, significant other, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, step-child.

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3.14 Product Endorsement

City employees, in their capacity as a City employee, shall not endorse a product or service or comment on that product or service if it is the intent of the solicitor of the endorsement, or of the vendor or manufacturer of that product or service, to use such comments for purposes of advertisement. City employees are not prohibited from responding to inquiries regarding the effectiveness of products or services used by the City unless the employee is aware that it is the inquirer's intention to use those comments for purpose of advertisement. Council Policy 000-23 "Product Endorsement" and Administrative Regulation 95.65 "Product Endorsement" are incorporated by reference in this paragraph.

3.15 Duty to Disclose

Every employee shall immediately disclose the nature and extent of any interest, direct or indirect, which may conflict with his responsibility or duty, or which, because of his position, may influence a decision to the benefit of the organization in which he has an interest. Such disclosure shall be in the form of a memorandum to the City Manager, transmitted via the employee's department head.

3.16 Duty to Cooperate

Every employee shall cooperate fully with judicial bodies and courts, and with lawfully constituted investigative commissions, committees, bodies and juries; appear before them upon request; and answer all questions concerning his conduct in office or his performance of official duties or matters within his knowledge pertaining to the property, government or affairs of the City of San Diego. Failure to do so shall be cause for appropriate disciplinary action, including possible dismissal from City service.

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Legal References

California Government Code section 87100 et seq.

California Government Code section 1090 et seq.

Administrative Regulation 45.50 PRIVATE USE OF CITY EQUIPMENT AND MATERIALS  
PROHIBITED

City Charter

Council Policy 000-4 CODE OF ETHICS

Municipal Code

Personnel Manual Section A-2 COMMISSION POLICY STATEMENT: MOTOR VEHICLE  
VIOLATIONS

Personnel Manual Section G-1 CODE OF ETHICS AND CONDUCT

Personnel Manual Section G-6 REGULATION OF OUTSIDE EMPLOYMENT OR ENTERPRISE

Personnel Manual Section L-2 SEPARATION AND DISCIPLINARY ACTIONS: DISCIPLINE

Subject Index

Ethics

Conflict of Interest

Employee Conduct

CITY OF SAN DIEGO  
ADMINISTRATIVE REGULATION

SUBJECT  EQUAL EMPLOYMENT OPPORTUNITY POLICY AND COMPLAINT RESOLUTION PROCEDURES	Number 96.50	Issue 2	Page 1 of 8
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1. PURPOSE

- 1.1. To reaffirm and communicate the City of San Diego's commitment to the principles of equal opportunity and to a work environment free of discrimination, harassment and retaliation.
- 1.2. To establish procedures for effectively handling *Reports* of potential violation of the City's Equal Employment Opportunity Policy when such *Reports* are brought forward within City departments, and to ensure that *Reported* issues are resolved in a prompt, appropriate and consistent manner which supports and promotes the well-being of employees as well as the business needs of the City.

(*Reports* of EEO Policy violations which are filed with the Personnel Department's *Equal Employment Investigations Office* will be handled pursuant to Civil Service Rule XVI and Personnel Manual Index Code K-2. See Section 5.8.1 for additional *Reporting* options available to employees).

2. SCOPE

- 2.1. This policy shall apply to all employees in the City of San Diego, including contract employees, interns and volunteers.

3. DEFINITIONS

- 3.1. *Equal Employment Opportunity Committee (City EEOC)* – Committee composed of representatives from the Human Resources Department, the City Attorney's Office, *Equal Employment Investigations Office*, and representative managers from operating departments, which meets on a periodic basis to review and recommend changes in the City's EEO policies and procedures.
- 3.2. *Equal Employment Investigations Office (EEIO)* – Located within the Personnel Department, this office is responsible for the administration of the City's internal program for the investigation and resolution of *Complaints* or charges of unlawful discrimination based upon Title VII of the Civil Rights Act of 1964. The *EEIO* acts as the City's liaison and primary contact with all Federal and State compliance agencies. As such, it is the duty of the *EEIO* to officially receive and process formal *Complaints* lodged by the agencies;

(Supersedes Administrative Regulation 96.50, Issued 1, effective September 5, 2000)

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Authorized

Signature on File  
\_\_\_\_\_  
CHIEF OPERATING OFFICER

CITY OF SAN DIEGO  
ADMINISTRATIVE REGULATION

SUBJECT  EQUAL EMPLOYMENT OPPORTUNITY POLICY AND COMPLAINT RESOLUTION PROCEDURES	Number 96.50	Issue 2	Page 2 of 8
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investigate and respond to such *Complaints*; arrange and schedule employee interviews and provide access to relevant records when requested by the state or federal agent or officer; and to receive and respond to any findings of fact presented by the compliance agencies as a result of their investigation. In addition, the *EEIO* receives internal *Complaints* directly or indirectly from applicants for City employment, employees, former employees, contract employees, interns, and employee representatives.

- 3.3. *Department Head* – All *Department Directors* and *Executive Directors* responsible for a Department or a Program.
- 3.4. *Deputy Director* - For this A.R., “*Deputy Director*” shall mean all positions given the Appointing Authority responsibility generally exercised by the head of a division, or major sub unit, within a department.
- 3.5. *Supervisor* – Any employee who has authority to undertake or recommend employment decisions, including authority to direct the daily work activities, review work performance, and recommend or implement disciplinary actions affecting one or more City employees. This includes first-level *Supervisors* and above.
- 3.6. *Complaint (or Report)* – An allegation of potential violation of the City’s EEO Policy, as documented on an EEO *Report* Form (see EDP-100).
- 3.7. *Complainant (or Reporting Employee)* – An individual *Reporting* a potential violation of the City’s EEO Policy.
- 3.8. *Subject Employee* – An individual who has allegedly violated the City’s EEO Policy.

4. POLICY

- 4.1. The City of San Diego’s Equal Employment Opportunity Policy is incorporated into this Administrative Regulation by reference as if fully duplicated at this point.

5. RESPONSIBILITY

- 5.1. *Equal Employment Opportunity Committee (City EEOC)*

The *City EEOC* will serve as the City’s working body for the review of Citywide EEO policies and procedures. This committee will meet periodically to discuss changes in federal and state EEO law and their impact on City procedures and policies; will review unique or atypical EEO *Complaints* and investigations to ensure procedural issues are adequately addressed; will review the impact this Administrative Regulation has on improving the City’s EEO *Complaint* resolution efforts; and will educate and inform departments on EEO issues.

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5.2. Human Resources Department

The Human Resources Department will serve as an additional resource regarding individual or Citywide EEO policy issues.

5.3. Personnel Department - *Equal Employment Investigations Office (EEIO)*

It is the responsibility of the *EEIO* to record, track, and periodically review *Complaint* filings to identify potential areas of concern with regard to the timeliness of investigation and the resolution of complaints by departments. (Additional responsibilities of this office are outlined in Personnel Manual Index, Code K-2.)

5.4. City Attorney's Office

The City Attorney's Office shall review and disseminate, on an ongoing basis, any changes to the statutory requirements concerning EEO issues. The City Attorney's Office shall also review new cases interpreting the statutes. Any changes in the laws will be brought before the EEO Committee, which will review such changes and recommend necessary City-wide policy revisions.

5.5. *Deputy Director*

The *Deputy Director* shall be responsible for ensuring that individual *Reports* of potential EEO Policy violations are processed and resolved consistent with this regulation. The *Deputy Director* will be accountable for monitoring patterns of *Complaints* within their areas of responsibility and for ensuring that steps are taken to address potential violations on a preventive basis.

5.6. *Supervisors*

5.6.1. *Supervisors* are required to monitor City workplaces for actual or alleged violations of the EEO Policy and to take steps to stop actions contrary to these policies when they occur. Specifically, *Supervisors* shall:

- a. use appropriate education and training measures to both inform employees regarding the City's EEO Policy, and to ensure that employees are aware of the procedures for *Reporting* potential policy violations;
- b. stop behavior in violation of the City's EEO Policy when directly observed or upon direct knowledge of;
- c. ensure that instances of actual or potential EEO Policy violations are *Reported* as outlined in Section 5.8, below;

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- d. manage the effect in the workplace of EEO Policy violation *Reports* by maintaining confidentially, insofar as practical, regarding the allegations, the *Complainant* and other identified individuals; and
- e. ensure that individuals involved in EEO investigations, either as the *Complainant*, *Subject Employee*, or as a witness, are not subjected to direct or indirect retaliation.

5.7. Employees

- 5.7.1. It is the City’s policy that employees must set an example of acceptable conduct and will not participate in or provoke behavior that is discriminatory, harassing, or retaliatory.
- 5.7.2. Employees who observe or feel they have been subjected to conduct in violation of the City’s EEO Policy should *Report* these as outlined in Section 5.8.1, below.
- 5.7.3. In addition, employees are responsible for maintaining confidentiality when they participate in a *Complaint* process as a witness, subject or *Complainant*.

5.8. *Report* Origination Procedure

- 5.8.1. If an employee believes that a violation of the City’s EEO Policy has occurred, she/he is encouraged to *Report* these instances immediately to any of the following (the employee does not have to follow the departmental or divisional chain of command):
  - a. The employee’s *Supervisor*;
  - b. Another *Supervisor* within or outside the employee’s “chain-of-command”
  - c. The employee’s *Deputy Director*, or *Department Head*
  - d. The departmental Human Resources office
  - e. The Human Resources Department (619) 236-6313
  - f. The Personnel Department’s EEIO, at:  
1200 3<sup>rd</sup> Avenue, Suite 1501  
San Diego, CA 92101  
Telephone: (619) 236-7133  
Fax: (619) 236-7138  
The time frame for filing a *Complaint* is one year from the most recent incident.
  - g. The State of California Department of Fair Employment and Housing (DFEH), at:  
Telephone: (800) 884-1684  
Website: <http://www.dfeh.ca.gov>  
The time frame for filing DFEH *Complaints* is one year from the date of the alleged violation.

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- h. U.S. Equal Employment Opportunity Commission (U.S. EEOC), at:  
555 West Beech Street, Suite 504  
San Diego, CA 92101  
Telephone: (619) 557-7235  
Website: www.eeoc.gov  
The time frame for filing U.S. EEOC *Complaints* is 180 days from the date of the alleged violation.

- 5.8.2. If the employee *Reports* possible violations to any of the above, the *Complaint* procedures listed in this section shall apply.
- a. *Complaints* filed with the Personnel Department's *EEIO* will be subject to procedures detailed in Personnel Manual Index Code K-2.
  - b. *Complaints* filed with the DFEH or U.S. EEOC will be subject to procedures of the respective agencies.
  - c. The ability to complete an effective and thorough investigation is in part dependent upon the length of time between the alleged act and when it is *Reported*.

5.9. *Complaint* Intake Procedure

- 5.9.1. *Supervisors* shall complete and forward to their *Deputy Director*, an Equal Employment Opportunity *Report* Form in any of the following instances:
- a. an employee expresses a desire to file a *Complaint* of potential EEO Policy violation;
  - b. discussions with an employee leads the *Supervisor* to believe that an EEO Policy violation with regard to workplace harassment may have occurred, whether or not the employee wishes a *Complaint* filed; or
  - c. a *Supervisor* determines that observed employee behavior is one which is contrary to City's EEO Policy and which will likely lead to written discipline.
- 5.9.2. Instructions on proper EEO *Report* Form completion and routing, including key information to be aware of when taking an employee *report*, are found on the back of the form.
- 5.9.3. When completing the EEO *Report* Form, the *Supervisor* shall:
- a. also inform the *Complainant* of the alternate *Reporting* avenues listed in Section 5.8.1;
  - b. advise the employee that confidentiality will be maintained to the highest degree possible, but cannot be guaranteed; advise the employee of his/her responsibility to protect confidentiality;
  - c. inform the employee that she/he will be officially notified of *Complaint* results; and

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- d. emphasize that if the employee feels she/he is being retaliated against, she/he should notify any of the individuals listed in Section 5.8.1 above immediately.

These points are summarized on the Employee Record portion of the EEO Report Form, (see EDP 100) which the *Supervisor* and *Employee* shall sign for the record.

- 5.9.4. All *Complaints* received shall be held in strict confidence to protect individual privacy rights and the reputations of those involved, and will be shared only with individuals who have a legitimate operational responsibility for investigating or resolving the issues identified.

5.10. EEO Report Form Review and Delegation for Action

- 5.10.1. The *Deputy Director* shall review the EEO Report Form and determine what, if any, additional action will be taken (e.g. formal fact finding) including by whom and when. The *Deputy Director* shall route a preliminary copy of the EEO Report Form to the *EEIO* through confidential transmittal, and refer, if appropriate, the *Reported* issue(s) to the delegated staff member for follow-up action, to be completed within 60 days absent extenuating circumstances.

- 5.10.2. A management designee, shall review the final results of any investigatory or follow-up action for thoroughness and consistency with established EEO policies, procedures and City-wide investigatory practices. (For actions involving formal fact finding investigations, refer to the Dimensions in Discipline training manual, which outlines appropriate procedures for effectively completing these types of investigations.)

- 5.10.3. Upon the conclusion of the follow-up action, notification is made to the *Reporting* and *Subject Employees* that the preliminary investigation, or follow-up action, has been completed. (No Report Determination information, such as that outlined in Section 5.11.1, is shared at this time.) The *Subject* and *Reporting Employee* are also notified that they will be informed of final determination subsequent to any disciplinary action and appeal, within an additional 60 days.

5.11. Report Determination and Close-Out

- 5.11.1. Upon conclusion of the disciplinary process and appeal, if any, the *Deputy Director* shall record the final determination of the *Complaint* on the EEO Report Form, based on the following classifications:
  - a. Unfounded – The alleged act(s) did not occur.
  - b. Not Sustained – Follow-up investigation could not clearly prove or disprove the allegations

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- c. No Violation – Alleged act(s) did not violate any City Policy
- d. Violation of City EEO Policy – Alleged act(s) occurred and violate the City’s EEO Policy.
- e. Violation of City Policies – Alleged act(s) occurred and violate City Policy(ies).

5.11.2. The *Deputy Director* or his/her designee will ensure that the *Reporting* and *Subject Employees* are notified of the final determination of the *Complaint*, based on the classifications above. The date of notification and the signature of the individual performing the notification shall be recorded on the *EEO Report Form*.

5.11.3. The *Deputy Director* shall ensure that appropriate disciplinary measures are taken against any employee who violates the City’s EEO Policy or procedures. The final action(s) resulting from the *Complaint* (e.g., reprimand, counseling) is recorded on the *Complaint form*.

5.11.4. The *Deputy Director* shall designate appropriate follow-up contact with the *Complainant*, witness, or others who may have participated in any investigation, to ensure that direct or indirect retaliation has not taken place. Follow-up action(s) to be performed are recorded on the *EEO Report Form* in the space provided. The original form is then signed by the *Deputy Director* and forwarded to the *EEIO* for records retention.

5.12. Records Maintenance

5.12.1. The Personnel Department’s *EEIO* shall maintain a record of *Report Form* filings. The *EEIO* shall maintain these records in such a fashion that a list of *EEO Report* filings whose final determinations have not been completed within 120 days shall be forwarded to the respective *Department Heads* to ensure prompt completion, absent extenuating circumstances. This 120 day period is defined as the time between the date of *Report* filing and notification to the *Reporting Employee* of the final *Complaint* determination.

5.12.2. The *EEIO* will review incoming *EEO Report Form* filings and bring forward to departments any specific issues regarding these filings, based upon the circumstances surrounding individual policy violations or violation trends.

5.12.3. The *EEIO* will maintain the confidentiality of *EEO Report Form* records by releasing information only at the request of *Department Heads, Deputy Directors*, or appropriate designees for good and sufficient cause.

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APPENDIX

Legal References

Civil Service Rule XVI - Discrimination *Complaints*  
Personnel Manual Index Code K-2, Discrimination *Complaint* Procedures  
“Fact Finding Investigations” - Dimension in Discipline Manual  
Equal Employment Opportunity Policy – Annual Statement

Forms

Equal Employment Opportunity *Report* Form (EDP-100)

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Personnel  
Equal Employment Opportunity Policy and *Complaint* Resolution Procedures

Administering Department

Personnel Department



**THE CITY OF SAN DIEGO**  
**Equal Employment Opportunity**  
**REPORT FORM (AR 96.50)**

(SEE REVERSE OF PAGE 3 FOR INSTRUCTIONS)

Ref- \_\_\_\_\_

**1** NAME (TYPE OR PRINT) \_\_\_\_\_ SS# \_\_\_\_\_ DATE \_\_\_\_\_

JOB CLASS \_\_\_\_\_ DEPT./DIV. \_\_\_\_\_

WORK LOCATION \_\_\_\_\_ SUPERVISOR \_\_\_\_\_

WORK PH. \_\_\_\_\_ (ALTERNATE PH. \_\_\_\_\_ ) WORK PH. \_\_\_\_\_

**2** CONCERNS EXPRESSED BY EMPLOYEE (*WHO, WHAT, WHERE, WHEN, HOW LONG HAS THIS BEEN GOING ON? HAVE YOU TOLD ANYONE ELSE?*):

\_\_\_\_\_

\_\_\_\_\_

WITNESS LIST ATTACHED  
 ADDITIONAL PAGES ATTACHED

**3** WHY DOES THE EMPLOYEE FEEL THE ABOVE EVENT(S) IS / ARE OCCURRING?

\_\_\_\_\_

\_\_\_\_\_

ADDITIONAL PAGES ATTACHED

REMEDY SOUGHT BY EMPLOYEE:

**4** IMMEDIATE CORRECTIVE ACTION TAKEN, IF ANY (*NON-DISCIPLINARY*):

NO REMEDY SOUGHT

ADDITIONAL PAGES ATTACHED

**5** FILING AND ROUTING RECORD:

REPORTING SUPERVISOR: \_\_\_\_\_ SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

ROUTED TO (PRINT): \_\_\_\_\_ SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**6** EEO RELATED:  RACE/ETHNICITY/NATIONAL ORIGIN  GENDER  RELIGION  SEXUAL ORIENTATION  AGE  
 DISABILITY/MEDICAL CONDITION  MARITAL STATUS  PREGNANCY  SEXUAL HARASSMENT  OTHER

RETALIATION BASED UPON PREVIOUS COMPLAINT REGARDING:

ACTION REQUIRED. REFERRAL TO:  
 NO FURTHER ACTION REQUIRED (GO TO #8 BELOW)

FACT FINDING TO BE CONDUCTED BY: \_\_\_\_\_  
 TARGET COMPLETION DATE: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

ADDITIONAL PAGES ATTACHED

DEPUTY DIRECTOR (PRINT): \_\_\_\_\_ SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
 CC: PERSONNEL DEPARTMENT - EQUAL EMPLOYMENT INVESTIGATIONS OFFICE

**7** PRELIMINARY NOTIFICATION TO

REPORTING EMPLOYEE: BY \_\_\_\_\_ DATE \_\_\_\_\_

SUBJECT: BY \_\_\_\_\_ DATE \_\_\_\_\_

**8** REPORT DETERMINATION:  UNFOUNDED  NO VIOLATION  VIOLATION OF CITY / DEPT. EEO POLICY (IES)  
 NOT SUSTAINED  VIOLATION OF OTHER CITY / DEPT. POLICY (IES)

FINAL NOTIFICATION TO:

EMPLOYEE BY \_\_\_\_\_ DATE \_\_\_\_\_  SUBJECT BY \_\_\_\_\_ DATE \_\_\_\_\_

**9** FINAL ACTION(S) RESULTING FROM EEO REPORT:

NO ACTION(S) REQUIRED  RESULTING DISCIPLINE BASED SOLELY ON NON-EEO POLICY VIOLATIONS

**10** SPECIFY FOLLOW-UP MONITORING TO BE PERFORMED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

DEPUTY DIRECTOR (PRINT): \_\_\_\_\_ SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

ROUTE TO: PERSONNEL DEPARTMENT - EQUAL EMPLOYMENT INVESTIGATIONS OFFICE

REF: \_\_\_\_\_



THE CITY OF SAN DIEGO  
**Equal Employment Opportunity**

**REPORT FORM RECEIPT**

Ref- \_\_\_\_\_

**REPORTING SUPERVISOR RECORD**

ROUTED TO (PRINT) \_\_\_\_\_ SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

ROUTED TO (PRINT) \_\_\_\_\_ SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

This portion of the Report Form Receipt is retained by the Reporting Supervisor as a record of timely forwarding. **Do not keep any copies of the original Report Form.**

As a supervisor, you are responsible for managing the effect reports of potential EEO policy violations have in the workplace by maximizing confidentiality, insofar as practical, regarding the allegations, the reporting Employee, and other identified individuals. The information relayed to you in this Report is confidential and should not be shared with others unless there is a specific need to know

In addition, your responsibilities include ensuring that individuals involved in EEO investigations, either as a reporting Employee or as a witness, are not subjected to direct or indirect retaliation.

Refer to AR 96.50 regarding the City's procedure for handling reports of potential EEO policy violations.

(TEAR GOLDENROD COPY ALONG DOTTED LINE)

**EMPLOYEE RECORD**

Thank you for coming forward with your concern regarding potential violation(s) of the City's Equal Employment Opportunity Policy. This notification copy is being provided to you as a record of your report and as assurance that prompt and appropriate action will be taken on the issues you raised. The City would like to officially advise you of the following:

1. You have the right to report any conduct which you believe violates the City's Equal Employment Opportunity Policy. Your report is taken seriously and will be investigated pursuant to EEO procedures detailed in AR 96.50.
2. In addition to filing this report with your Department, you also have the right to file a complaint directly with any of the following agencies: the City's Labor Relations Office (619)236-6313; the City's Employee Development Program (619) 235-5802; the City's Equal Employment Investigations Office (619) 236-7133; the State of California Department of Fair Employment and Housing (800) 884-1684; or the US Equal Employment Opportunity Commission (619) 557-7235. You should contact these agencies directly to determine the time frames for complaint filing.
3. The information you reported will be confidential to as great a degree as legally permissible and reasonably practical. While your expressed desire regarding confidentiality will be seriously considered, those wishes must be weighed against: 1) the responsibility of the City to investigate possible EEO violations and to take corrective and preventive action where appropriate, and; 2) the right of the accused employee to obtain information about the allegation. During any investigation, the subject employee has a right to the name of the reporting Employee and the information related to alleged acts, but the names of witnesses will not be disclosed. In all cases, your report will only be discussed with those who have a legitimate responsibility for investigating or resolving the issues identified.
4. You have a responsibility to protect the confidentiality of this report by not discussing these issues in the workplace. Questions regarding what follow-up action has or will occur should be directed to one of the following individuals: the person with whom you filed this report, your Deputy Director, Department Director, or the City's Equal Employment Investigations Office. By doing so, you help to minimize workplace disruptions, preserve the reputations of all parties involved, and help to preserve the integrity of any investigation which may follow.
5. You will be notified of the final results of this report. Should you not receive such results within 120 days, you should follow up with your Deputy Director, Department Director, or the City's Equal Employment Investigations Office by referring to the EEO Report Form Reference number below. Information regarding what, if any, disciplinary action has been or will be taken against other individuals will not be disclosed.
6. Retaliation towards you for filing this report is illegal and will not be tolerated. If you feel that you are being retaliated against, please contact your Deputy Director, Director, Human Resource Manager, or EEO unit; or any of the contacts listed in 2, above

EMPLOYEE \_\_\_\_\_ SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

REPORTING SUPERVISOR \_\_\_\_\_ SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

REF: \_\_\_\_\_

**(Reference A.R. 96.50)**

The EEO Report Form and Report Form Receipt are used to record and track a report of alleged violations of the City's Equal Employment Opportunity Policy. Supervisors are required to use this form whenever allegations of EEO policy violations are brought to their attention. This generally occurs in three ways: 1) an employee expresses a desire to formally file a report of EEO violation; 2) a supervisor observes employee behavior contrary to City's EEO policy which may warrant written discipline; and 3) discussion with an employee leads the supervisor to believe that an EEO policy violation regarding workplace harassment may have occurred, **whether or not the employee wishes a complaint filed**. While it may seem reasonable to let the employee determine whether to pursue a complaint, the City must fulfill its responsibility to prevent discrimination and harassment and to take corrective action despite the employee's wishes.

**INSTRUCTIONS:**

(For these instructions, "Deputy Director" is an individual who is given the Appointing Authority responsibility generally exercised by the head of a division, or major sub-unit, within a department; "Employee" is the person reporting the potential violation; "Reporting Supervisor" is the supervisor or EEOL to whom the report is made; and "Subject" is the individual who has allegedly violated the EEO Policy.)

① The Employee or Reporting Supervisor completes the top portion of the form which records general information on the Employee. Social Security Number is requested because the City uses this number as the Employee Identification Number to track employees throughout its personnel systems.

② The Reporting Supervisor completes this section by recording the alleged policy violations as relayed by the Employee (or as directly observed). Key elements to record are listed (*who, what, where, when*). In addition, it is important to record how long the alleged violations may have been occurring. For example, "*at least two weeks*"; "*since John was promoted*". Ask about and record the names of any individual who may be a potential witness to the allegations. Ask if the Employee has spoken to anyone about this or has spoken with the person who allegedly violated the policy. Ask about any written documentation which may support the allegations. If the Employee has these, attach them to the form, but instruct the Employee not to go "hunting for evidence" if s/he does not already have documentation.

③ Record here the reason the Employee feels the reported actions have occurred. Examples may include: favoritism, conflict of interest, poor supervision, discrimination, lack of knowledge. "Remedy Sought" may include reassignment, correction of problem, or simply "wanted to inform supervisor."

④ The Reporting Supervisor records what, if any, immediate action was taken in response to the reported act. In all instances it is critical that no formal discipline, such as counselings or reprimands, be taken until directed to do so.

The Reporting Supervisor and the Employee both sign the bottom of the Report Form Receipt (EDP 100A). A copy of the bottom half is retained by the Employee as his/her record of report filing.

⑤ The Reporting Supervisor routes the form to his/her Deputy Director, obtaining the signature of the Deputy in the spaces provided on the Report Form and top half of the Report Form Receipt. Use routing methods consistent with those used for other highly confidential material. The Reporting Supervisor retains a copy of the top half of the Report Form Receipt as record of routing.

⑥ The Deputy Director reviews the information and records what follow-up action, if any, will be performed within 60 days. The Deputy also makes a preliminary assessment regarding the specific EEO "protected status" (e.g. race, religion, gender, etc.) to which the complaint may be related. In the event of unique or serious circumstances, contact is made with Personnel Department's Equal Employment Investigative Office (619) 236-7133 to ensure a suitable course of action.

A copy of the Report Form is sent via confidential transmittal to the Personnel Department's Equal Employment Investigative Manager to initiate proper tracking of the EEO Report Form.

⑦ Upon completion of follow-up action, such as a fact finding investigation, preliminary notification is made to both the Employee and Subject that follow-up action has been completed and additional action, including discipline and related appeal, if any, will be completed within 60 days. Record this preliminary notification including the name of the person performing the notification and the date.

⑧ Upon conclusion of the disciplinary process, final determination is recorded by checking the relevant box(es):

**Unfounded:** The alleged acts did not occur.

**Not Sustained:** Follow-up investigation could not clearly prove or disprove the allegations.

**No Violation:** Alleged acts did not violate any City policy(ies).

**Violation of City / Dept EEO policy(ies):** Alleged act(s) occurred, and some or all violate City / Dept EEO policy(ies).

**Violation of Other City policy(ies):** Alleged act(s) occurred, and some or all violate non-EEO policy(ies).

The Deputy Director then ensures that the Employee and the Subject receive notification of this information. **Disciplinary action, if any, is not shared.** Record notification information in the space provided.

⑨ Any action, such as discipline, which results from the EEO report is recorded here.

⑩ Key to demonstrating the City's commitment to a long-term EEO discrimination prevention program is regular follow-up, typically 3 and 6 months after the final resolution, with the Employee and witnesses to ensure that retaliatory actions have not occurred. In the space provided, indicate the nature and date of follow-up action(s) to be performed. For example, include the names of those to be contacted, the date and the name of individual delegated to follow-up.



Andrea St Julian, Co-Chair  
Maresa Talbert, Co-Chair

5694 Mission Center Rd, Ste 602-356  
San Diego, CA 92108

September 5, 2023

**VIA EMAIL**

Commission on Police Practices  
Civic Center Plaza Building, 9th Floor-Suite 924  
1200 Third Avenue  
San Diego, CA 92101

**RE: Commission's initial steps**

Dear Commissioners:

For those of you who did not attend the initial meeting of the new commission, I'd like to introduce myself. I am the principal author of the proposed amendment to the San Diego city charter that was the basis for Measure B. The passage of Measure B created the Commission on Police Practices (CPP). My organization, San Diegans for Justice, and its sister nonprofit, The Justice Workshop, have, and will continue to support the CPP. To this end, I would like to provide you with some perspective and suggestions regarding your tasks ahead.

**TAKE CONTROL**

Please remember that the CPP is a commission independent of the City and that you as commissioners are in control of the commission. As per the charter amendment, the Executive Director, whether interim or permanent, serves at the pleasure of the commission. The Executive Director is not your boss. You do not take direction from the Executive Director; you give the Executive Director direction.

The agenda for your last meeting had several items including the election of temporary officers and a consideration of the commission bylaws. I also understand that you have been provided a training

program. There are several things that are not appropriate about the agenda, its contents, and the training program.

- As Commissioners, you decide what your agenda is. No one else decides your agenda.
- With respect to temporary officers, you must decide for yourselves how you want to approach this process before voting.
- It is inappropriate for you to be asked to vote on bylaws that you have not had the opportunity to fully analyze and discuss with the CPP's attorney, Duane Bennett, and seek out any other consultations you feel are appropriate.
- It is wholly inappropriate that you follow a training program that you have not considered, had a hand in creating, and decided for yourselves is appropriate. It is deeply disturbing to review the agenda from the permanent commission's first meeting which has attached to it a training program that essentially tells the commission what to do and how things will be done as if the permanent commissioners have no say in what happens. Of even greater concern is that the training program continues some of the worst aspects of the old board's training procedures.

I understand that some of you may feel as if you don't have enough information to make some of the decisions you are being asked to make. I believe that uncomfortableness may be because you do not understand your powers. The commission has the full authority to retain policy advisors, staff, and consultants to provide it with the information and expertise necessary to make all decisions of the commission.

## **RETAIN AND CONSULT EXPERTS**

It is unreasonable to think that you as commissioner can make decisions without being appropriately informed. To become appropriately informed, you will most likely need the input of independent experts. Below are some examples of how you might decide to use experts along with some possible experts you might want to consider.

- The Agendas – It is important to understand that you are creating a new commission from scratch. You will need expert input on how to accomplish this task without undue influence from the City and others who cannot fully break from the processes of the old board that the new commission replaced. One of the best experts on civilian oversight in the country is **Sharon Fairly**, who is a law professor at the University of Chicago and was the executive director of Chicago's police oversight board. I have had the pleasure of working with Professor Fairly, and she is excellent. A local expert that I highly recommend is **Paul Parker** who is the director of CLERB, the County corollary to the CPP. I have also had the pleasure of working with Paul, and he too is excellent.

- The Bylaws – The commission’s attorney, **Duane Bennett**, is an excellent resource. He wrote the proposed bylaws at the direction of the interim commission. It would be entirely appropriate for you to place Mr. Bennett on the agenda to explain to you his thoughts on the bylaws and answer the questions you may have. You could ask Mr. Bennett his thoughts on the ramifications of the bylaws and whether he thinks there could be any improvements, additions or subtractions. You can then direct him to rewrite the bylaws as you see fit. On a similar note, I would encourage each commissioner to connect directly with Mr. Bennett and always feel free to contact him directly for information and guidance.
  
- Training – **Dr. Patrick Anderson**, although a former member of the interim commission, has an excellent grasp of how this commission can move forward and fulfill its mandate. He can certainly be an individual that you rely on to provide you with his perspective. As part of his work with the commission, he actively sought advice from experts on how best to realize an independent, effective commission. Some of the individuals Dr. Anderson believed to be particularly insightful were the following:
  - Jayson Wechtel — longtime investigator for community oversight bodies
  - Rashidah Grinage — Coalition for Police Accountability (Oakland)
  - Joshua Chenin — Associate Professor, SDSU and expert on police stop data
  - Lauren Bonds — Exec Director, National Police Accountability Project
  - Ursula Price — Director, Miami-Dade Investigative Civilian Panel, former director of the New Orleans Workers’ Center for Racial Justice
  
- Case Review and Backlog – How the new commission conducts case review will take a lot of expert input to prevent this new commission from simply repeating the old processes and procedures of the old board. Many of the experts listed in this letter would be helpful, although the commission should also make efforts to locate experts that it feels works best for them. Similarly, Duane Bennett and other experts that you consult can advise how to handle the backlog of cases. And please remember that how you conduct case reviews and investigations will be an evolving process. Don’t expect your first steps to be perfect.
  
- Inappropriate Experts -- There is one important caution that I would give you as far as **who not to have as an expert**. Far too often, the old review board relied on the San Diego Police Department to provide it with law enforcement training. For obvious reasons, most would consider this reliance completely inappropriate. The commission is charged with objectively analyzing the performance, procedures, and policies of the San Diego Police Department and its officers. For the Department to train you in appropriate policies and procedures makes little sense and gives the appearance of a conflict. Certainly, training can and should involve information regarding law enforcement, but much of that training can be provided by experts who are not affiliated with the San Diego Police Department or other local law enforcement agencies.

The old review board was notorious for fraternizing and socializing with the very police officers it was charged with overseeing. This fraternization created the appearance that board members were too friendly and cozy with the police department. Unfortunately, the current training program appears to continue in this tradition. The current training program lists that you will have a meet and greet with the Chief of Police, the Assistant Chiefs as well as the President of the Police Officer's Association on September 19. There is nothing about this fraternization that can be called true "training."

The September 19 training is of additional concern because it discusses name badges and parking cards for commissioners in connection with a visit to the San Diego Police Department. Under the old board, board members were required to review police documents at the police station. Some board members found this requirement to be very intimidating, controlling as well as inconvenient. The community was adamant that this requirement cease. I trust that the name badges and parking cards referred to in the September 19 training is not related to any effort to require commissioners to review documents at the police station.

### **DON'T ACT PRECIPITOUSLY**

The City fought putting Measure B on the ballot for years. Even after the measure was placed on the ballot and passed with 75% of the vote, the City took three years to enact the ordinance that finished fleshing out the specifics of the commission. Because of the prolonged nature of this process, it would be understandable if you feel an urgency to get the commission fully up and running quickly. I would caution you, however, not to feel pressured to act too precipitously. It is only reasonable that you allow yourselves a reasonable amount of time to become sufficiently informed to make appropriate decisions.

As always, if any of you have questions or comments about anything having to do with the Commission, feel free to contact me.

Sincerely,

*Andrea St. Julian*

Andrea Renee St. Julian  
Co-Chair, San Diegans for Justice  
Andrea@SanDiegansForJustice.com

Cc: Sharmaine Mosley (via email)  
Yasmeeen Obeid (via email)